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THE
HISTORY
OF THE
Church of England.

BY J. B. S. CARWITHEN, B.D.
OF ST. MARY HALL, OXFORD; BAMPTON LECTURER FOR 1809; AND
LATE VICAR OF SANDHURST, BERKS.

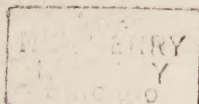
PART THE SECOND.
TO THE REVOLUTION.

——— "That posterity may know we have not loosely, through silence, permitted things to pass away as in a dream, there shall be for men's information extant thus much concerning the state of the church of God established amongst us."—HOOKER.

V. 3
VOL. III.

PUBLISHED BY PARKER, OXFORD; BALDWIN AND
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EDITOR'S PREFACE.

This concluding volume of the History of the Church of England was completed by Mr. Dornithen, and the MS. at the time of his death was left in such a state of readiness for the press as to require very slight alterations only. It is believed that all who are desirous of obtaining a comprehensive view of facts relating to our Church's History, will find in this the same faithfulness of description and sound judgment as characterized the two former volumes.

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W. R. BROWNE

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W. R. BROWELL.

Pembroke College,
Oxford.

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HISTORY

OF THE

CHURCH OF ENGLAND.

CHAPTER I.

View of Political and Religious Opinions at the time of the Restoration.—Hobbes of Malmsbury.—Latitudinarian Divines.—Cudworth, Wilkins, and More.—Characters of Tillotson, Barrow, and Stillingfleet.

IN approaching a period of such importance in A. D. English history, as that of the Restoration, some preparatory observations will naturally occur. A preliminary and general view of the state of political and religious opinion at this period is necessary to comprehend the occurrences which are now to be detailed.

The reign of Charles the Second, considered in a political light, has been justly characterized as the era of good laws and bad government. Hence may be dated not only the re-establishment of the church and monarchy, but at this time was laid the foundation of English liberty. But although in this reign the constitution attained a high degree of theoretical excellence, an excellence magnified by some writers into perfection*; yet a

* Blackstone, Com. b. 4. c. 33.

CHAP.
I.

corrupt and wicked administration of the laws rendered this a period of the greatest practical tyranny. Those laws, which in their natural tendency established "the true balance between liberty and prerogative," were not the result of deliberative wisdom, but were effected either by a concurrence of happy circumstances, or by a singular collision of factious parties.

Of no reign is the secret history more worthy of attention, or so necessary to be studied in order to unravel its changeable and contradictory policy. Without such a previous study, it must be inexplicable that one papist should have been instrumental in abolishing the practice of burning for heresy, and that another should have zealously defended the exclusion of members of the church of Rome from political power. It must be inexplicable, that toleration should have been opposed by those who were suffering under the severity of the ecclesiastical laws, and that the persecuted should have invited persecution.

With regard to the civil polity of England, the reign of the second Charles presents the anomaly of good laws and bad government; with regard to religion, it presents the anomaly of great corruption of morals, joined with extraordinary advances in theological knowledge. This reign has often been styled the golden age of the English church; but the epithet will not justify the inference, that it was an age in which any religious man of any sect could wish to have lived. But still it implies that to the church the nation was indebted for a countervailing power against the systematic attack of infidelity, the open preva-

lence of fanaticism, and the secret advances of popery. A. D.

Wherever fanaticism abounds, there will be always a proportionable degree of infidelity, and it is not surprising that the extravagancies of the different religious sects in the time of Cromwell should have induced in many sober men a disbelief of revelation. Never did blasphemy and profaneness arrive at such an alarming height, and there was a retrogression in civilization and sound knowledge of at least a century.

In one thing, and in one thing only, the contending sectaries of Cromwell's days agreed, in their outward hostility to popery; yet while they were apparently united in demolishing the papal system, there was nothing on which they could concur in substituting in its place. Converts from popery were made at the expense of Christianity, and other proselytes were made to a pompous and imperious church abroad, instead of a pious and afflicted one at home*. It is undeniable, that the evils of these times were aggravated by the machinations of Romish incendiaries, under the disguise of fanatics and agitators†.

Amid this lamentable decay of sound religion, it is not surprising that many sought refuge in atheism, and commenced a systematic attack on the Christian religion. The band of atheists and infidels was led on by Hobbes, a man of deep thought, of great erudition, and of consummate knowledge of human nature. This singular man, who had followed the second Charles into exile,

* Fell's Life of Hammond.

† Foxes and Firebrands, part 2, p. 101, edit. 1682.

CHAP.
I.

was so disgusted with the morals, or dissatisfied with the policy of the British royalists, that he returned to England under the protectorate of Cromwell. He had at first applied himself to the study of mathematics, but his eccentric and paradoxical spirit, abandoning demonstration, was congenially employed in vending falsehoods in morals. His celebrated work, "the Leviathan," was at first written in favour of absolute monarchy, but was afterwards modelled to suit the views of the republican party. Hobbes therefore cannot be classed among those who have been distinguished for love of royalty and hatred of revelation; since his real sentiments were republican. Though an enemy to every modification of Christianity, yet his philosophy had a resemblance to the popular errors of the religionists of the times. His grand maxim, that all men acted under an absolute necessity, received countenance from the Calvinistic doctrine of absolute decrees. His maxim, that all government is founded on conquest, and that force is the principle of obedience, was sanctioned by the doctrine, that success in war is a demonstration of divine interposition. And his maxim, that interest or fear were the springs of human action, and that the foundation of morality was private advantage, or general expediency, was in accordance with the unsound views of practical Christianity inculcated in the discourses of the most popular teachers among the independents.

Ob.
Dec. 4,
1679,
æt. 92.

The boldness, rather than the novelty of these opinions, recommended by a style remarkable for purity and strength, recommended also by the

irreproachable character and philosophic life of A. D.
 their author, could not fail of gaining many con-
 verts and more admirers. Men of profligate and
 of sober habits were equally disposed to adopt the
 paradoxes of Hobbes, rather than follow the
 reveries of teachers pretending to supernatural
 illumination.

It was impossible that his sophistry could be
 opposed by the sectaries of his time; but the
 honour was reserved for a class of divines, called
 or miscalled latitudinarian. They loved the con-
 stitution of the English church, and its liturgy,
 though they did not think it unlawful to live
 under another form of ecclesiastical government*.
 Their object was the assertion and defence of the
 principles of religion in a philosophical method.
 They belonged chiefly to the university of Cam-
 bridge; and the three leading theologians, who
 may be ranked under this class, were Cudworth,
 Wilkins, and More.

Cudworth, who surpassed all his contempo-
 raries in metaphysics, was also conversant with
 the Oriental languages†, and was an exact critic
 in Greek and Latin. He was a good antiquary
 and mathematician. He had the courage, as well
 as the ability, to stem the torrent of atheism and
 immorality, and his Intellectual System will re-
 main as a monument both of the strength of his
 reasoning and the variety of his learning.

Of Wilkins it has been said, that he was born

Ob.
 June 26,
 1688.

Ob.
 Nov. 19,
 1672.

* Burnet's Hist. of his own Times, vol. i. b. 2.

† He was Professor of Hebrew in the university of Cam-
 bridge.

CHAP. for the improvement of every kind of knowledge
 I. — to which he applied himself. In natural philosophy he made considerable discoveries, and it is well known that he was principally concerned in the formation of the Royal Society. His treatises on prayer and preaching, and on the principles and duties of natural religion, claim for him a high rank in the school of philosophical divines.

Ob.
 Oct. 28,
 1687,
 æt. 73.
 Henry More, whose works have now fallen into neglect, was esteemed one of the greatest divines and philosophers of his age. He was enthusiastically devoted to the Platonic philosophy, and his writings shew how happy a visionary their author was. His antagonist Hobbes was one of his greatest admirers, and was reported to have uttered the following panegyric: "If my own philosophy be not true, I know none which I would sooner adopt than that of More."

Following in the same path, yet at a long distance, were Worthington and Whichcote. Worthington was a man of great humility and practical devotion, qualities exemplified in his treatise on Self-resignation to the Divine Will. Whichcote, who was employed in superintending the studies of academic youth, recommended a diligent perusal of the ancient philosophers, particularly the works of Plato, Tully, and Plotinus. These he esteemed the best preparation for the Christian religion, which he considered as a doctrine sent from God, to elevate and humanize man. The moral improvements of his mind, a godlike temper and disposition, he chiefly valued and aspired after; that universal charity and goodness which he constantly practised as well as

preached*. His Sermons, which are the only part of his works extant, are not recommended by any graces of style, are too scholastic to be generally admired, and have an uncouthness of phrase not acceptable even to scholars. The encomium passed on him by Shaftesbury, is more discriminating and spirited than the eulogy of Tillotson. From this nobleman it must be high praise to have it *said*, that if any religion, ancient or modern, besides the Christian, had produced such a divine teacher, the infidels of modern times would have admired and revered him †.

In this latitudinarian school was educated Tillotson. Educated among the puritans, he was intimately acquainted with their character, an acquaintance which he used to gain them over to the church of England. Of his puritanical education no other traces were visible than strictness of life, and tenderness for nonconformity. Of many of those great divines who have been already mentioned, he was the pupil, the admirer, or the biographer. His own merits will entitle him to no inconsiderable rank in that branch of theology which he cultivated. His works bear the character of their author, simple, rational, equable, but eloquent; and if he rise not to the height of Taylor or Barrow, he is free from their defects.

If it should be objected that these latitudinarian divines cannot be fairly claimed by the church of England, since they complied with all the changes of the times, since their attachment to its discipline was loose; if it should be objected that

* Tillotson's Funeral Sermon.

† Preface to Whichcote's Sermons.

CHAP.
I.

they were too strongly imbued with Pagan philosophy ; if it should be farther objected that they compromised the peculiar tenets of the gospel, and were even suspected of Socinianism ; yet none of these charges will apply to two other divines, who have gained a greater share of renown in the contest with atheism and infidelity. These were Stillingfleet and Barrow.

Both were educated while puritanism was predominant throughout the nation, and while the latitudinarian divines governed the university of Cambridge ; yet neither puritanical nor latitudinarian principles had any share in the formation of their characters. They rose superior to both.

The name of Barrow, connected as it is with science as well as theology, unconnected as it stands with the external history of the church, requires in this place a survey of the peculiarities of his character. While some men have emerged at once from obscurity, and have astonished by a sudden display of dazzling talents, Barrow was signally conspicuous from the earliest period of which biography has preserved any record. His opinions on religion and government which he had imbibed from his infancy, were the same to the close of his life. By birth, by education, by conviction, he was a royalist and an episcopalian, and he gloried in being such when royalty and episcopacy were proscribed. While a student at the university of Cambridge, he was not solicitous to dissemble, but was rather eager to avow principles, which might not only have obstructed his advancement, but have endangered his safety.

On the restoration of the church and monarchy, Barrow confidently expected, with greater reason than many other sufferers, to receive some marks of regal favour, and like many other expectants, experienced and lamented his neglect *. But the transcendent genius of Barrow, commanded as a debt, what inferior claimants must have accepted as a boon or as a reward. In obtaining the professorship of Greek and Geometry, he suppressed all competition among his fellow academicians; but his highest academical dignity was the deserved gift of his sovereign, accompanied by the compliment that it was bestowed on the best scholar in England. It was his peculiar happiness to be advanced to the government of a college, already honoured by Bacon, and afterwards adorned by Newton and Bentley.

In estimating the character of Barrow, the predominant feature is the strength and compass of his mind, and the sentiment which these qualities are calculated to excite, is that of wonder and admiration †. In the sublime parts of mathematical science he has been surpassed by only one man, and that man was his pupil. Yet even if his inferiority in this branch should be admitted, it should be remembered, that if he had not relinquished his mathematics for theology, and if his life had been protracted to an equal term, Barrow might have been Newton's rival. Let it

* *Te magis optavit reditulum Carole nemo,
Et nemo sensit te rediisse minus.*

† *Ωκνηρον μεν σεβω θαυμαζω δε Βαρρωνεν, και
φιλω Ταιλωρον.*

Dr. Parr.

CHAP. be remembered also, that in no pursuit to which
I.

Barrow bent his mind, can it be said of him, what the warmest admirers of Newton must admit, that he "went out as a common man." That mighty genius, which could rise to the heights or explore the depths of abstruse science, could expatiate in the flowery paths of poetry. The fertility of his imagination was equal to the intenseness and tenacity of his thought, and he possessed the faculty of conveying his conceptions in a style clear and forcible. The same inexhaustible variety of expression which characterized his serious compositions, he carried into the transactions of common life *; and his colloquial powers exhibited that wit which he has so ingeniously described, but of which, master as he was of language, he would not hazard a definition. In fine, the protestant, the Arminian, the episcopalian, may exult that his own creed is the creed of Barrow.

To the inadequate description of so great a luminary of the church here given, the character of Stillingfleet will afford a contrast. In reading Barrow, such is his originality of thought, that we forget his acquirements. But his learning was great, and was scarcely inferior to that of Stillingfleet. The learning of Stillingfleet was immense, but it was too ponderous even for the strength of his mind. In the knowledge of ancient history, sacred and profane, of law ecclesiastical and civil, he was consummately skilled, and he applied this

* So copious was it, that no two of the letters which he wrote to solicit contributions for the library of Trinity College are alike.

knowledge with singular felicity to the numerous subjects of controversy which engaged his pen. A. D. ——— His learning was employed in the defence of the Christian religion against infidelity, and of the English church against popery and sectarianism.

His early attachment to the persecuted church was equally strong with that of Barrow, and as soon as he was qualified by age he received episcopal ordination. His title to the sacred office, to which he had solemnly devoted himself, was fully proved by the publication of his *Irenicon*. The object of this work, as it was stated by himself, was to bring those to a compliance with the church of England, then likely to be re-established, who stood off on a supposition that Christ had appointed a presbyterian government, and that episcopacy consequently was an unlawful usurpation. Admitting with the episcopalian, but contending against the presbyterian, he maintained that Christ and his apostles did not prescribe any form of ecclesiastical government to be unalterably observed by all Christians in future ages, but at the same time demonstrated that there must be a perpetual standing ministry, and that such a ministry must be of divine institution. The superiority which Timothy and Titus exercised over their respective churches, though it did not prove the indispensable necessity of episcopal government, yet it proved the lawfulness, the antiquity, and the reasonableness of episcopacy. The ground which Stillingfleet maintained was the same which Hooker had judiciously occupied in the preceding century, when the church was engaged in a fierce contest with puritanism, and which Jeremy Taylor

CHAP. I. in this age had again chosen in his Liberty of Prophecy, when the church was overthrown and puritanism was triumphant. It must be attributed to the unanswerable defence of episcopacy which this treatise exhibits, that it was the occasion of unmeasured obloquy against its author. It was objected that his earliest works contradicted his subsequent declarations, and was a strong censure of his future conduct. But his apology was so complete and unanswerable, that it ought to be recorded as a precedent for future controversialists when assailed by their own weapons: "I entreat my adversaries to allow that to me which I heartily wish to them, that in a period of twenty years, we may arrive at such maturity of thought as to see reason to change our opinion of some things, and, I wish I had not occasion to add, of some persons*."

Such was the state of religion in England on the return of Charles. The national establishment, if it deserved that name, was an intolerant presbytery; the national spirit displayed the most licentious fanaticism; there prevailed an apparent antipathy to popery, and a secret tendency to infidelity. The advances of infidelity were encouraged by the papists, and while they depreciated the writings of the English divines as the productions of atheists, deists, or Socinians, in their own controversial publications they affirmed that there were no certain proofs of the Christian religion, unless those which are derived from the authority of an infallible church.

CHAPTER II.

Religious Creed of Charles II.—His Conduct towards the Presbyterians.—Judicious Counsels of Hyde.—Restoration of the Chapters.—Consecration of Bishops.—the Church resumes her Property and Jurisdiction.

THE Restoration of Charles the Second without any limitations or conditions, accompanied on his part only by a promise of general oblivion of past injuries, and of general regard to the existing laws, must have naturally drawn the public attention to his personal character. It was justly concluded that his personal religion was of the highest moment, since it would determine the future condition of the English church.

A. D.
1660.

A strong belief prevailed at this time, and the fact was afterwards stated with forcible proofs, that if the king were not a concealed papist, he was reconciled to the church of Rome. It was asserted that this reconciliation took place, when the Pyrenean treaty was concluded between France and Spain at Fonterabia. It was the condition, on which the catholic powers of Europe consented to promote his restoration.

The fact has been strenuously denied by the Roman catholic historians*, though from what motives it is not easy to ascertain, and not safe to conjecture. But so credible was it, and there

* Dodd's Church History of England, vol. iii. p. 73.

CHAP. were so many circumstances of corroboration, that
 II. the king himself, and his friends, were compelled to contradict it by a laboured denial.

The protestants of Holland suspected this conversion; but Charles addressed a letter to the pastor of the presbyterian congregation at Rotterdam, earnestly requesting that the calumny might be opposed, with solemn assurances of affection for the reformed religion*. Morley was also employed to write an apologetical letter to the Dutch minister at the Hague, asserting and proving the king's steadfastness in the protestant faith and communion†.

On no religious denomination would the conversion of Charles to the church of Rome have operated more detrimentally to his interests, than on the presbyterians of England; and therefore an extraordinary degree of address was employed to remove their suspicions. The most eminent reformed ministers in France, among whom were Daillé and Drelincourt, were engaged, to assure their presbyterian brethren in England that the adherence of the king to the protestant faith was sincere and steady, and that although he declined to attend presbyterian worship at Paris, yet prudence and policy were the sole reasons of his absence‡.

These letters were published and industriously circulated throughout the kingdom, and they were confirmed by Charles himself in his letter to the

* Dated at Brussels, Nov. 7, 1658. Kennet's Chronicle.

† Dated June 7, 1659. Kennet's Chron. p. 95. Athen. Oxon. vol. ii. p. 273.

‡ Kennet's Chron. pp. 94, 95.

house of commons. "Do you desire," he asked, "the advancement of the protestant religion?" We have by our constant profession and practice given sufficient testimony to the world, that neither the unkindness of those of the same faith towards us, nor the civilities and protestations of those of a contrary profession, could in the least degree startle us, or make us depart from it."

A. D.
1660.

If it were difficult for Charles to disguise his attachment to popery, it was impossible to conceal his hatred of presbyterianism. This hatred was hereditary; it was a characteristic of the house of Stuart. While the injuries and the indignities which his father sustained from the sect rankled in his mind, his mother's arts and his own experience contributed to keep alive his resentment. She was solicitous that he should be a witness of the intolerance and the repulsive exterior* of the kirk, and his expedition into Scotland received her hearty concurrence. If the presbyterians were deceived into an idea that the king entertained an affection for them and their cause, their own infatuation rather than his insincerity must be the cause. The pretensions and demands of the Scottish kirk of protection and establishment on the terms of the covenant, that is, without any toleration, was absurd; and far more reasonable was the proposition of their English brethren, that the basis of the king's restoration should be the concessions made by his father at the conference in the Isle of Wight.

Whatever were the hopes and expectations of

* Clarendon applies the epithet "squalid."

CHAP. the different sectaries, they were for a time ab-
II. sorbed in the general joy at the return of the
king. Never perhaps was there so great and sudden a change in the state of society as happened at this period in the English nation. Every sect and party seemed to share in the universal triumph, and to claim a degree of merit and favour for its cooperation in the event. All expected to enjoy a tranquillity and indulgence which they had sought in vain under the stern rule of Cromwell. The royalists and episcopalians gave an unrestrained license to their natural gaiety; the presbyterians relaxed in their austerity, and trusted that their late exertions in bringing back the king would ensure compliance with their demands. The anabaptists, independents, fifth-monarchy men, and quakers, if they scarcely ventured to hope an enlargement of their freedom, yet expected an entire impunity for their excesses.

The tide of joy which overflowed the nation brought with it the usual attendants of a state of prosperity. Infidelity, which had assumed a sober and severe aspect during the usurpation, in correspondence with the stern or demure mien of the prevailing religionists, now changed its demeanour, and joined in the general profligacy. Popery, which dared not avow itself, again lifted its head. A great number of papists came back in the train of the king; the queen-mother came from France with her Romish attendants, both secular and monastic. When she entered Somerset-house, she had the honesty to declare that she never had quitted it, but through her own fault; yet misfortune had not taught her even the cheap virtue

of discretion. She feared not again to raise the public clamour against the religion of Rome. All Romish priests who were in confinement were released by an order of council, and a crowd of Jesuits were sent over from the college of Douay as missionaries for propagating the Romish faith. The duke of York, standing in the responsible situation of heir presumptive, had no scruple in professing his adherence to the church of Rome.

If Charles had been left to his unbiassed inclination, totally devoid as he was of religious principle, assailed on one hand by the importunities of that powerful body the presbyterians, allured on the other by the blandishments of the papists, it is impossible to conjecture what line of conduct his policy or his necessities might have prompted him to pursue in remodelling an ecclesiastical establishment. But a counsellor was at hand in Hyde, who knew that the English monarchy could never be raised on the basis of presbyterianism or popery, and that it could not stand but on the foundation of a national religion. It was his salutary advice, that the basis of monarchy should be the church of England, as it subsisted before the late civil war, yet modified so as to reconcile, if possible, the presbyterians, without the sacrifice of any essential principle.

Of the former hierarchy nine bishops yet survived, and the difficulty which had occurred during the king's exile, of filling the vacant sees by a canonical election, was obviated by an immediate restoration of the chapters. All the dignities in the cathedral of Saint Paul were filled; twelve divines were installed prebendaries of Canterbury;

CHAP. II. and before the expiration of the year, the chapters
 ————— of the other cathedrals were supplied with competent members.

Sept. 20. It was not out of decency, it was a tribute to acknowledged merit, that the amiable Juxon, though oppressed by the infirmities of age, was placed at the helm of the church of England. The day on which he was translated from the see of London to Canterbury, was a day of rejoicing tempered by the most touching recollections. His wisdom, his learning, his apostolical virtues, pointed him out to the numerous assembly who were present at the solemn ceremony, as a model of a primate in the reformed church.

Sept. 22.
Confirmed
Oct. 4. The province of York was placed under the government of Accepted Frewen, bishop of Lichfield. He was the son of a puritanical preacher, and educated in puritanical doctrines, but was afterwards distinguished for his loyalty. Nothing is extant of his writing, except a Latin oration on the death of prince Henry, but he has had the honour of being the reputed author of the best practical work ever written, *The Whole Duty of Man* *.

Sept. 22.
Confirmed
Oct. 4. Bryan Duppa, preceptor of the king, was translated from Salisbury to Winchester. His writings were mostly devotional; but the liberality of his temper, and the gracefulness of his deportment, rendered him fit for his station, and were more

* Vid. Boswell's *Life of Johnson*, 9. v. In a MS. in the Bodleian Library several circumstances are stated, which strongly incline me to believe that Dr. Accepted Frewen, archbishop of York, was the author of this work. Malone, vol. ii. A. D. 1773, note, p. 245. ed. 8vo. 1816.

useful than the most profound erudition. So highly was he esteemed by his sovereign, that in his last sickness, the king craved his blessing on bended knees by his bedside *.

A. D.
1660.

After having advanced those prelates, whose fidelity or whose merit claimed an immediate acknowledgment, it was the next care of Hyde to reward those divines whose abilities demanded a seat among the prelacy. In the first class stood the four favourite chaplains of the late unfortunate king, Hammond, Sheldon, Sanderson, and Morley.

Divine Providence had prevented the grateful intentions of Charles, by calling the excellent Hammond to Himself. At the commencement of the year, when circumstances visibly tended to the restoration of the church and monarchy, he had been summoned to London to aid the great work by his counsels. The diocese of Worcester, in which he had resided during the Usurpation, was designed for his spiritual charge, and nothing but the tardiness of Brownrigg and Skinner in performing his consecration, a tardiness in Brownrigg supine, and in Skinner sinister, had obstructed his occupation of the see when it was a post of danger rather than of preferment. With how pacific a temper he would have undertaken the arduous duty of composing jarring sects, his devotional addresses testify. Yet his principles were too well founded to be turned by the gale of popular favour; he had the meekness as well as the courage of a man who thought himself right. He would not have yielded to his antagonists

* Wood's Athen. Oxon. vol. ii. p. 176.

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II.

- either episcopacy or a liturgy. “Let us call on God in the voice of his church,” was the admonition with which, in his dying hours, he repressed the extemporaneous ejaculations of his friends. On the day when the parliament met, which laid the foundation of English liberty, “this great champion of religion, and pattern of all virtue,” was taken hence*. His loss could only be compensated, and that inadequately, by his writings; they did what their author by the influence of his personal virtues, and his high station in the church of God, would have done. They contributed to stop the torrent of licentiousness which overflowed the nation, when even the profession of seriousness was laughed out of countenance, under pretence of the hypocrisy of former times †.
- April 25. The conspicuous and responsible station of the see of London was conferred on Sheldon, the friend of Hammond. His active benevolence, his dexterity in business, his conciliatory manners, and his exemplary life, peculiarly fitted him to preside over the metropolis of the nation, and was a natural step to his contemplated advancement to that high office, for which he was said to be born and bred, the archbishopric of Canterbury.
- Oct. 28. The services of Morley in following the exiled court, were acknowledged by the see of Worcester,

* Dr. Richard Allestree returning from a visit to his friends in Shropshire to visit Dr. Hammond, he met at the gate the body of that great man carrying to his burial. Preface to Dr. Allestree's Sermons, folio, 1684.

† Whiston's Memoirs of his own Life. He says this of The Whole Duty of Man, and Hammond's Practical Catechism.

while Sanderson, now in his seventy-third year, was overcome by the importunity of Sheldon, and reluctantly accepted the extensive diocese of Lincoln.

A. D.
1660.

Four eminent divines of the university of Cambridge were selected to remove any suspicion of undue partiality to Oxford. Cosins, dean of Peterborough, master of Peter-house, and prebendary of Durham, was the first of the clergy who incurred the penalty of sequestration, and it was inflicted by a vote of the whole house of commons. He was accused by one Smart, a member of the cathedral of Durham, of introducing superstitious innovations, and of committing acts of injustice; but his defence against these accusations was so complete, that the lords instantly dismissed the accusation. To a forcible ejection from all his preferments, was added the necessity of leaving his country to preserve his life. In his exile at Charenton, near Paris, he kept up the service and discipline of the English church, brought back many who were gone over to popery, and confirmed others who were wavering in the protestant faith. At Peterborough Cathedral he was the first who read the Common Prayer, when the king was restored; and, before the expiration of the year, his other preferments were vacated by his elevation to the see of Durham. There his magnificence and hospitality had means of gratification, while his profound knowledge of primitive discipline, and his skill in the fathers of the church, were shewn in his invaluable works. Henchman, Lancy, and Stone, were severally promoted to the bishoprics of Salisbury, Peterborough,

Oct. 28.

Dec. 2.

CHAP. and Carlisle. Henschman was critically conver-
II. sant in the ancient fathers and ecclesiastical his-
tory.

It would be unjust to the generous patronage of the government, as well as to the merit of the individual, to pass over the name of Bryan Walton. That great work the Polyglott Bible was first presented to Cromwell, but its author had no reward; he presented it a second time to his restored sovereign, who preferred him to the see of Chester. He was received in his episcopal city with the most extraordinary marks of respect by the higher ranks of society, and by the acclamations of the people.

1661.
January.

The dubious merit of Gauden obtained for him the bishopric of Exeter, but not without solicitation; while Barwick, lest he should appear in his late efforts to preserve the episcopal succession to have gratified his own ambition, refused to be advanced beyond the dignity of a presbyter, and after a short possession of the deanery of Durham, was removed to that of Saint Paul's.

With the restoration of the hierarchy was connected the restitution of ecclesiastical property. That property consisted of two kinds, the estates appurtenant to ecclesiastical corporations, whether sole or aggregate, and the tithes belonging to the parochial clergy. The first kind had been alienated by different ordinances of the commons, and appropriated to private persons, though at first reserved for purposes of public utility. The second kind had escaped a formal confiscation, though the commons had voted that tithes should be abolished, as soon as another mode of main-

taining the clergy could be agreed upon. Different plans had been devised, but none had been deemed worthy of adoption. The presbyterians asserted the divine right of tithes, as they asserted the divine right of their form of ecclesiastical government; while the independents and enthusiasts argued, that both tithes and priesthood were relics of Judaism, which ought not to exist under the reign of the saints.

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The resumption of this kind of property, therefore, was not attended with any extraordinary symptoms of discontent; but the restitution of the ecclesiastical estates incurred a considerable degree of obloquy. The tenants of these estates were not satisfied with the transfer, and the application of the wealth thus accruing to the higher orders of the hierarchy, was a subject of envy and of censure.

Calumny itself could not fasten any accusation on the bishops*; for on the admission that too large a treasure was given up to their disposal, and that a portion of the fines might have been applied to the augmentation of poor benefices, yet the possessors gave abundant proofs that the discretion with which they were entrusted, was not committed to unworthy hands. Their conduct was distinguished by munificence and charity. Their wealth was expended in repairing churches, in the foundation of hospitals, in the redemption of Christian slaves, and in supplying the want of a law, by the voluntary augmentation of small vicarages. Their specific benefactions have been

* Burnet's History of his own Times, vol. i. b. 2.

CHAP. clearly enumerated, with the laudable design of
 II. silencing clamour against the bishops, as if they had received vast sums of public money, and converted them to private benefit *.

Those censures which the bishops have escaped, have been liberally bestowed on the deans and chapters, yet with little justice. Their liberality was proportionable to their revenues †, and there is no foundation for the invidious remark of one who should have known better, that the ecclesiastical corporations “generally took more care of themselves than of the church ‡.” As little reason is there for the insinuation against the illustrious Clarendon, that his connivance at the misappropriation of ecclesiastical property was the result of his partiality to some of the existing bishops, a partiality originating in corrupt motives.

With the restitution of ecclesiastical property was connected the re-establishment of the spiritual courts, especially in the exercise of their matrimonial and testamentary jurisdiction. During the usurpation marriages had been solemnized by a civil magistrate, and matrimony, which in the church of Rome had been esteemed a sacrament, was degraded into a secular contract. When the church of England was restored, marriage was again to reassume its rank as a religious ordi-

* Chamberlayn's *Present State of England*, fifth ed. 1671.

† “In one of the best churches, Canterbury, out of all the clear remainder of the first four years, viz. at the end of the year 1664, they had no more than, every prebendary, 1000*l.* and the dean a double share.” Chamberlayn.

‡ Burnet's *History of his own Times*, b. 2.

nance, though not as a sacrament. Yet to secure the peace of the kingdom, and the harmony of private families, a law was wisely enacted, that all marriages solemnized before a magistrate, or according to any reputed ordinance of parliament, should be deemed of the same effect and validity, as if they had been solemnized according to the rites and ceremonies of the church of England.

A. D.
1660.

The bishops having been restored to their temporalities, and the episcopal courts to the exercise of their accustomed jurisdiction, the church may be said to have been restored. There was no necessity for any legislative declaration to this purpose, for all the ordinances of the house of commons, while the functions of royalty were suspended, were deemed to be of no validity. The church was restored as it was when the late king quitted his palace at Whitehall, with the exception of the exclusion of the bishops from the upper house, to which the king gave an extorted assent. It was the wish of the presbyterians, that the church establishment should be restored on the basis of the treaty at Newport; but the proposition was rejected. Still however it was thought by all parties worthy of a trial, and with sanguine hopes of success by many, to effect a comprehension of the presbyterians within the pale of the national establishment. The measures taken to promote this end, and their result, come now to be related.

CHAPTER III.

The Presbyterians solicit an adjustment of their differences with the church.—They deliver in an address, with a statement of their exceptions.—Answer of the Bishops.—Charles's Declaration.—Bill founded on it rejected by Parliament.—Savoy Conference.—Notice of the Episcopalian and Presbyterian Commissioners.

CHAP.
III.

THE head of the presbyterian party was Edward, earl of Manchester, a patron of liberty, without being an enemy to monarchy; who fought in the parliamentary army, but without personal hostility to the king. His cordial support of the Restoration was acknowledged by an appointment to the post of lord chamberlain, and by a large share of the royal confidence.

June.

A short time after the king's return, the leading presbyterians were introduced by him to the king, to solicit the royal interposition respecting the adjustment of their differences with the church. They earnestly recommended a religious union, and entreated that the terms of this union might be as comprehensive as possible. The king declared himself highly gratified by their conciliatory temper, but informed them, that an agreement could not be expected without mutual concession, and that any failure should not be imputable to him, because he was resolved to leave no proper methods untried for bringing men of different sentiments in religion to a good understanding. To this end he desired that they

would lay before him their own views and propositions concerning ecclesiastical government, because if this main question of disagreement could be reconciled, inferior points might be easily accommodated.

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1660.

The answer of the individuals who obtained this audience was, that they could not presume to speak the sentiments nor to bind the consent of their brethren; but, antecedently to the statement of their own proposals, they required that the bishops, and their brethren of the church of England, should deliver the sum and define the extent of the concessions which could be yielded in their favour.

After a consultation of three weeks, the presbyterians had agreed on their proposals, which they offered to the king, joined with an address. The address contained four preliminary requests: that serious godliness might be countenanced; that a learned and pious minister might be supported in every parish; that no one might be admitted to the Lord's table without a personal recognition of his baptismal vow; and that effectual measures might be adopted for a due observance of the Lord's day.

To this introductory address succeeded their proposals. They professed to allow the true and primitive episcopacy or presidency in the church, as it was balanced with a due commixture of presbyters. But the English hierarchy, they contended, was not framed on the ancient model, and they pointed out several abuses, which in their judgment demanded correction. The principal abuses specified were the extent of the dioceses,

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which were too large for the personal superintendence of an individual; the appointment of lay chancellors, who administered that spiritual power which properly resides in the presbyters of the church; and the assumption by the bishops of the sole right of ordination and jurisdiction, uncontrolled by a council of presbyters. They also offered various objections to the liturgy and established ceremonies; and in conclusion, they proposed that Usher's scheme of moderate episcopacy should be received as the basis of the projected comprehension*.

The discriminating feature of Usher's scheme of ecclesiastical government consisted in this; that it was, throughout all its parts, synodical, comprehending every kind and gradation, from a parochial meeting under the direction of a single priest, to a national council under the presidency of a metropolitan. But the presbyterians refined on Usher's plan, and carried it so far, as to establish a complete independence of the church on the crown. They proposed that there should be suffragan as well as diocesan prelates invariably, and not only in cases of necessity; that these suffragans should be elected by the diocesan synods; that the clergy should be released from the oath of canonical obedience; that the bishops should possess no discretionary power, but should govern according to canons and ecclesiastical constitutions; and that all canons should either be enacted or confirmed by parliament.

Charles received the presbyterian deputation,

* Life of Baxter, part 2, p. 252.

which offered this project, with his accustomed urbanity, and promised to promote a conference. A. D.
1660.
He expressed his satisfaction in hearing that they were not averse to a liturgy, and that they were willing to admit a moderated episcopacy. The presbyterians now expected a conference with the bishops; but Hyde intimated to the bishops, at a private interview, that it was not their business to offer concessions, because they were satisfied with the existing establishment. As the hierarchy and liturgy were legally settled, they ought to be the standard of agreement, and that the concern of the bishops was to answer the objections of the nonconformists.

Accordingly, instead of the expected conference, July 8. a written answer to the propositions of the presbyterian ministers was communicated by the bishops, in which the objections urged against the discipline and ritual of the church were considered, and controverted. Taking advantage of the admission by the presbyterians, that they were agreed in the substantials of doctrine and worship, the bishops inferred, that partial and particular objections ought not to be obstinately pressed, to the disturbance of general order and the peace of the church*. The objection, that the dioceses were of too large an extent, was obviated by the reply; that the duty of a bishop is not a personal inspection or cure of souls, but a higher pastoral charge, that of superintending all the clergy within the diocese, who cannot be too numerous to be excluded from the personal in-

* Kennet's Chron. p. 200.

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spection of their bishop. Even in this point of view, if the dioceses were too extensive, or if bodily infirmity prevented the bishop from performing his duty, the law allowed suffragans. As to lay-chancellors and commissaries, though a certain degree of jurisdiction had been formerly committed to them, because they were supposed to have more skill in the civil and canon laws than the clergy; yet matters of purely spiritual concernment, such as absolution, excommunication, and ecclesiastical censures, belong exclusively to the bishop in person, or to some spiritual person expressly delegated by him. In regard to ordination, they denied that the bishops had ever exercised the sole power, but had always called to their assistance at least two presbyters, and this was one of the reasons for which deans and chapters had been instituted. As to the model of church government proposed by archbishop Usher, they declined it, as being inconsistent with his other learned discourses on the origin of episcopacy and of metropolitans, as well as derogatory from the royal supremacy in ecclesiastical causes. On the subject of the liturgy it was answered, that in its present state it was such as the presbyterians professed to esteem; it was conducive to edification, and its disuse had been the principal cause of the late divisions. Its use therefore could not be enjoined too strictly, especially as some ministers had adopted the uncanonical practice of using extemporaneous effusions, or unauthorized compositions, before and after their sermons. They did not, however, oppose a review of the liturgy, if undertaken by persons appointed by

the royal authority. In the last place, they maintained that the ceremonies of the church were decent and conducive to order, and that alterations or abolitions would only encourage the unreasonably discontented to urge farther demands.

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1660.

To this answer from the bishops, the presbyterian ministers sent a warm remonstrance, accompanied by a defence of their former propositions*; and at the same time an application was offered to the king, praying that the penal laws against the nonconformists might be suspended. The king gave a patient and courteous audience to the applicants, and they were informed that all the concessions, which he thought it safe and proper to grant, should be comprised in a public declaration. It was intimated that this instrument should be seen by them previously to its promulgation, and that they should be allowed to make their exceptions to any of its parts or provisions which they considered objectionable. A copy of the declaration was accordingly transmitted to them by the lord chancellor, and its purport was explained by the chancellor himself in a speech to the parliament †.

The declaration having been perused by the presbyterian ministers, various exceptions were made, and several alterations proposed; and in order that the subject might be discussed fully and minutely, a day was appointed by the king to hear the remarks of both parties. A meeting between several of the bishops and dignitaries of the church, and a select number of presbyterian divines, took place at the chancellor's house. The

Oct. 22.

* Kennet's Chron. p. 205.

† Ibid. p. 241.

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king attended, and was accompanied by the dukes of Albemarle and Ormond, the earls of Manchester and Anglesea, and lord Hollis. With the exception of Ormond, these noblemen inclined to the presbyterian interest.

It was previously settled that the declaration should be read by the chancellor, that each party should offer its exceptions, and that the king should moderate and over-rule the debate. The discussion turned principally on the high powers assumed by the bishops, and concerning the validity of presbyterian ordination. When it was ended, the lord chancellor stated that the king had been petitioned by the independents and anabaptists for an indulgence, and that a supplemental clause was intended to be added to the declaration, permitting these sectaries to assemble for the purposes of public worship, provided they gave no disturbance to the peace. This clause was suspected as conveying a latent desire on the part of the king to procure a toleration for the papists, and it was equally unacceptable to the episcopal and presbyterian parties. Before the meeting separated, the king settled all the clauses of the declaration, permitting two referees on each side, subject to the decision of the earl of Anglesey and lord Hollis, to suggest any corrections of the style, though not any alterations in the substance.

Oct. 25.

The declaration with these amendments was issued by the king, as supreme head of the church. Not a single concession was made with respect to ecclesiastical government, but a promise was given that the abuses, complained of by the presbyterians, should be remedied by the purity

of its administration. The presbyterians were reminded of their admissions, that they were not hostile to episcopacy or a liturgy, that they disapproved sacrilege, and the alienation of the revenues of the church. The king declared his affection for the church of England, and that his esteem for it was not lessened by his condescending to dispense with some particular ceremonies. He promised to encourage the public exercises and due observance of the Lord's day, and to exclude insufficient, negligent, and scandalous ministers from the sacred offices. He would be careful to prefer none to the episcopal office but "men of learning, virtue, and piety," who should be frequent preachers. In extensive dioceses he would appoint a sufficient number of suffragans, and no bishop should confer ordination, or exercise any other act of jurisdiction, without the advice and assistance of presbyters. The preferments of deans and chapters should be conferred on the most learned and pious presbyters of the diocese, and an equal number to those of the chapter should be annually elected by the clergy, who should assist in all ordinations, church censures, and other important acts of spiritual jurisdiction. Confirmation should be rightly and solemnly performed, with the consent and recommendation of the minister of the parish; and he was not to admit any to the Lord's supper, till they had made a credible profession of their faith. All diligence should be used for the reformation and instruction of scandalous offenders, who should not be permitted to communicate till they had testified their repentance. * Every rural dean to be

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nominated by the bishop as formerly, and assisted by three or four of the clergy elected out of the deanery, should hold a monthly meeting, to receive complaints from the ministers and churchwardens of the several parishes within the district, to arbitrate differences, and to rectify abuses. Matters of high importance were to be presented to the bishop. No bishop should exercise any arbitrary power, or impose any thing on his clergy and people, but according to the law of the land. The liturgy should be reviewed by an equal number of divines of both persuasions, who should make such amendments as were thought necessary. In the mean time, the clergy were desired not wholly to lay aside the use of the Common Prayer, but to read those parts against which they had no exception; yet with a promise that none should be molested for not using it, till it had been reviewed and effectually reformed. None should be compelled to receive the sacrament kneeling, nor to use the cross in baptism, nor to bow at the name of Jesus, nor to use the surplice, except in the royal chapel, and in cathedral and collegiate churches. Subscription, and the oath of canonical obedience, should not be required at present, in order to ordination or institution to a benefice, but only the oaths of allegiance and supremacy. None should lose their academical degrees, nor be deprived of any preferment, for not declaring their assent to all the Thirty-nine Articles, provided they declared their assent to all the doctrinal articles, and to the sacraments. The Declaration concluded by renewing the promise at Breda, that no man should be disquieted or called in question

for differences of opinion in matters of religion, not prejudicial to the peace of the kingdom.

A D.
1660.

Whosoever were the real devisers of this Declaration, and whatever might be the motives which prompted it, its reception was not such as might have been expected from its admirable temper. The high episcopalians resented it as an infringement on the rights of the church, and an unwarrantable extension of the prerogative over ecclesiastical and statute law. The rigid presbyterians were discontented, because the Declaration, by maintaining episcopacy, was directly opposed to the covenant; and they ventured upon a second address to the king, in which they renewed their requests for a greater latitude of concession *. A small body of presbyterians in London, among whom was Matthew Poole, the laborious author of the Synopsis, animated by gratitude, presented an address of thanks for the Declaration, but at the same time respectfully soliciting an extension of its terms. The king, with his usual felicity of expression, and with all his gracefulness of manner, answered; "I will endeavour to give you all satisfaction, and to make you as happy as myself †."

The parliament considered the Declaration in a political, rather than in a religious view, and saw in it a claim to a dispensing power in the crown, which might be afterwards extended to the subversion of civil liberty, and to the introduction of popery. On this account, rather than from affection to the presbyterians, after both houses had

* Hist. of the Nonconformists, p. 14. Baxter's Life.

† Kennet's Chron. p. 345.

The first part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The second part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The third part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The fourth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The fifth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The sixth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The seventh part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The eighth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The ninth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself. The tenth part of the paper discusses the importance of the study of the history of the English language. It is argued that a knowledge of the history of the language is essential for a full understanding of the language itself.

CHAP. presented an address of thanks to the king for his
III. Declaration, the commons appointed a committee

Nov. 28. to frame resolutions founded on it, and pass it into a law. But on the second reading the bill was negatived *, one of the secretaries of state opposing it †. Sir Matthew Hale, who zealously promoted the bill, was taken out of the house of commons at this very juncture, by being appointed chief baron of the exchequer. The king, the courtiers, those who were secretly attached to popery, as well as those who were opposed to despotic power, concurred in procuring its rejection.

1661. Shortly after the convention parliament was
January. dissolved, an insurrection of violent enthusiasts was raised in the metropolis. One Venner, a fifth-monarchy man, was at its head, who thought it not enough to believe that Christ was to reign upon earth, and put the saints in possession of a kingdom, but assumed also that the saints were to take the kingdom by violence. With this persuasion he collected some of the most furious of his adherents, and they marched out of their conventicle in Coleman-street, declaring that they would subvert the present government, and place king Jesus on his throne. They routed the trained bands of the city, and a party of the king's guards; and after having caused the greatest consternation, were at last overpowered by numbers, and their leader was executed.

This insurrection occasioned a proclamation against meetings of sectaries in great numbers,

* Ayes 157, noes 183.

† Kennet's Chron. p. 358.

and at unusual times*. Anabaptists, Quakers, and fifth-monarchy men, were forbidden to assemble under pretence of worshipping God, unless in some parochial church or chapel, or in private houses by the persons therein inhabiting. All meetings in other places were declared to be riotous and unlawful. It was not till after the proclamation that the proscribed sectaries thought it necessary to disown, by separate instruments, the insurrection of Venner; and the independents, though not named, were induced to offer a gratuitous disclaimer of his dangerous opinions.

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1661.

The presbyterians were never accused of participating in these commotions, and they consequently thought it beneath them to offer any assurances of their loyalty. They were contented with maintaining their opinions in controversial writings, which, as soon as they appeared, were answered by the divines of the church †.

The controversy carried on by the press preceded that public discussion between the episcopal and presbyterian divines, which the king had promised in his Declaration. Soon after the dissolution of the convention parliament, a com-
March 25.
mission was granted to twelve bishops and nine assistants, on the part of the church of England, and to the same number of divines on the part of the presbyterians, empowering them to review the Book of Common Prayer, comparing it with the most ancient and purest liturgies; to take into consideration the several objections which had been raised against it; and to make such reason-

* Kennet's Chron. p. 357.

† Neal's Hist. of the Puritans, vol. iv. c. 5.

CHAP. able and necessary alterations and amendments,
III. as might be thought expedient for giving satisfaction to tender consciences, and the restoration of peace and unity. The commission was to continue in force four months, and the result of the discussions was to be laid before the king. From the place of its meeting *, it is commonly known under the name of the SAVOY CONFERENCE.

In logomachy, as well as in war, victory will be decided rather by the skill of the combatants, than by the strength of the cause; and therefore in the last authorized and regular controversy between the episcopalians and presbyterians, it is necessary that the characters of the individuals engaged in the contention should be exhibited to the reader.

The twelve prelates selected were, the archbishop of York, with the bishops of London, Durham, Rochester, Chichester, Salisbury, Worcester, Lincoln, Peterborough, Chester, Carlisle, and Exeter. On the peculiar talents of these personages it is needless to enlarge on the present occasion, but one general remark on their principles should not be omitted. They were not all of high church notions; whatever may be thought of Sheldon or of Morley, yet Sanderson and Cosins were known for their moderation; Frewen was educated in the school of puritanism, and Gouden was a notorious latitudinarian. The nine assistant divines were, Earle, Heylin, Hacket, Barwick, Gunning, Pearson, Pierce, Sparrow, and Thorne-dike. Of these, two only, Gunning and Pearson,

* At the bishop of London's lodgings in the Savoy.

require to be distinguished. Gunning was a man of great quickness, and of uncommon elocution; qualities which fitted him for polemical theology. His reading was vast and various, and it was assisted by a most retentive memory. Pearson had applied himself to every kind of learning connected with theology, and was in every branch a master. His erudition was equally multifarious and better digested than that of Gunning. His works are not numerous, but of those two which are best known, the Exposition of the Creed, and the Vindication of the Ignatian Epistles, the former is one of the most finished works of theology in the English language.

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Brief has been the notice of the episcopalian commissioners, but their opponents demand a minute survey. The first who was ranged on the presbyterian side, though invested with episcopal dignity, was Reynolds. At the commencement of his career, he was preacher to the society of Lincoln's Inn, and was chosen a member of the assembly of divines. By the authority of the parliamentary visitors he was placed in the deanery of Christ Church, Oxford, after the ejection of Fell; consequently he was a covenanter, and a rigid presbyterian. When the Engagement was substituted for the Covenant, Reynolds was in his turn ejected, and the preferment was bestowed on the leader and ornament of the independents, John Owen. This was the only occasion in his life in which his interest yielded to conscience, and of this sacrifice he appears to have bitterly repented. That he complied with every other change till the restoration is not surprising.

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but that he should have accepted a bishopric when the promotion was refused by all his presbyterian brethren, reflects strongly on his honesty. He thought himself warranted by the promises of the Declaration to accept the offer, but when he found that the Declaration did not pass into a law, probity demanded a resignation of his preferment. He was a man of eloquence and of considerable attainments, but at the Savoy conference he was placed in an awkward situation. Sitting among the bishops, and arguing in favour of the presbyterians, he could not be heard with respect.

No precedence in rank will justify the historian in assigning the second place among the presbyterian commissioners to Richard Baxter. By a writer too fond of antithesis and sententiousness, Baxter has been described as a man remarkable for weakness of body and strength of mind; for preaching more sermons, engaging in more controversies, and writing more books, than any nonconformist of his age *. His earliest religious impressions were derived from the perusal of a work by Parsons the Jesuit, and during many years he sustained a severe mental conflict, operating on a bodily frame of fragile texture. Though he possessed not the advantages of an academical education, yet he received episcopal ordination †, and passed the early part of his ministry at Kidderminster, in a laborious and zealous discharge of his pastoral duties. At the commencement of the civil war he unhesitatingly joined the parliamentary army, yet, though he

* Grainger's Biog. Hist. vol. iv.

† From Dr. Thornborough, bishop of Worcester.

was a determined presbyterian, he prevailed with his congregation to refuse the covenant. His notions of civil government were republican, and he inveighed with severity against the military tyranny of Cromwell. On the return of the king, every fair attempt was made to gain him to the cause of royalty and episcopacy. He was appointed a chaplain of the household, and was called on to preach at court. The bishopric of Hereford was offered to him, which he honourably and consistently refused. The character of this extraordinary man will be differently represented, according to the point of view in which he is seen; whether as a practical or controversial writer. As a practical writer, he has never been excelled; he was himself impressed by a deep sense of religion, and he had the faculty of exciting a deep sense of it in others. No greater proof of his merit can be adduced, than the respect with which he is mentioned by men of opposite sentiments, and the oblivion to which they are eager to consign all his defects. He has the high praise and the great reward promised to those "who turn many to righteousness." As a controversialist, another estimate is to be formed, and it is in this light unfortunately he must be here considered. The remark of his pertinacious and uncandid antagonist is not destitute of truth, that he dissented from those with whom he most agreed, and that he was at variance with none more than with himself*. He was not

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* Walter Long, B. D. prebendary of Exeter. He has drawn up the following epitaph on Baxter, which is a good specimen of the *odium theologicum*: "Hic jacet Ricardus

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factions, because he could coalesce with no faction; he was not comparatively dangerous, because he would form no political or religious union. On this account he incurred persecution from almost every religious sect, as well as from those who had no religion at all. The distinctive feature of his character was a cool intrepidity, which no danger could appal, and a confidence in his own abilities, which no superiority of station could abate. He spoke and disputed with ease; and he possessed a singular faculty of retiring to distinctions foreign to the question, and of misapplying the rules of logic. Thus he embarrassed his antagonists, and it is doubtful whether he did not gain a temporary advantage over them, as much from his infirmity as his art*.

The third place of consideration among the presbyterian commissioners must be allotted to Edmund Calamy, a name which will be ever regarded by those of his own communion with veneration, and by every denomination of Christians with esteem. He had all the qualifications of the leader of a party, since he was at once en-

Baxterus, theologus armatus, Loiolita Reformatus; heresiarchæ arianus, schismaticorum antesignanus; cujus pruritus disputandi peperit, scriptandi cacoethes nutrit, prædicandi zelus intemperatus maturavit Ecclesiæ scabiem: qui dissentit ab iis quibuscum consentit maxime, tum sibi cum aliis nonconformis, præteritis, presentibus, et futuris; regum et episcoporum juratus hostis, ipsumque rebellium solemne fœdus. Qui natus erat per septuaginta annos et octoginta libros ad perturbandas regni respublicas, et ad bis perdendam Ecclesiam Anglicanam; magnis tamen cecidit ausis, Deo gratias.

* Bishop Morley, in a letter to a friend. Vid. Collier's Ecc. Hist. vol. ii.

terprising and prudent. He possessed not only a popular and practical talent of composition, but his style of preaching was fitted for a refined auditory. Though he had received episcopal ordination, and was formerly chaplain to Felton, bishop of Ely, yet his dislike of episcopacy and a liturgy was invincible. As well as Baxter he was tempted to conform by the offer of a bishopric; but he waited till he saw the event of the king's Declaration, and whether it would be passed into a law.

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After Baxter and Calamy must be mentioned Manton, whose industry and learning, whose moderation and activity, have gained universal respect. In consequence of the Declaration he was induced to accept the rectory of Saint Paul, Covent Garden, and to receive institution from the bishop of London. He then subscribed only the doctrinal articles of the church of England, and took the oaths of allegiance, supremacy, and canonical obedience. He consented that the Common Prayer should be read in his church. Higher preferment was intended for him, if he could be brought to an entire conformity. He was one of the few presbyterian commissioners who were sincerely desirous of a comprehension*. He was remarkable for obesity, and possessed its usual concomitants, good humour and dulness†.

* Lord Clarendon said to Baxter, "If you were as fat as Manton, I should not despair of a comprehension."

† He wrote or made one hundred and ninety sermons on the 119th Psalm, and all of great length; the compulsory perusal of which, when a youth, inspired Lord Bolingbroke

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Tuckney and Conant, the theological professors of Cambridge and Oxford during the usurpation; Wallis, the Oxford professor of geometry; Spurston, Jackson, Case, Clarke, and Newcomen, complete the list of presbyterian commissioners. Among the assistants must be enumerated Lightfoot, celebrated for Rabbinical learning, Bates, and Jacomb, the one being the most polished presbyterian writer of his age, the other possessing gravity, sobriety, and moderation.

Such was the array of combatants on both sides; but some of them seldom joined, others abstained entirely from the contest. King, bishop of Chichester, Heylin, Barwick, and Earle, seldom or never appeared; Sheldon came rarely. Many who attended with punctuality did not take part in the debate; as Frewen, Laney, Warner, and Walton, of the bishops; Hacket and Sparrow of the episcopal divines. On the part of the presbyterians, Horton never appeared from choice, and Drake on account of a misnomer in the commission. Lightfoot and Tuckney were present only once or twice.

April 15.

On the first session of the commissioners, the archbishop of York being the first named in the commission, stood up, and observed, that as he was unacquainted with the business for which they had met, he referred it to the management of the bishop of London. This prelate then reminded the presbyterians, that they, and not the episcopalians, had proposed this conference. "We,"

with disgust at nonconformity, and perhaps with hatred of Christianity.

he stated, "are contented with the liturgy in its present form; it is therefore incumbent on you to make your exceptions, and we will discuss with you their expediency or necessity." He also proposed that these exceptions should be delivered in writing, together with the additional forms and alterations which they wished to substitute. The presbyterians, from what motive it is not material to determine, expressed a wish that the conference should be carried on by verbal disputation, rather than by written argument; but Sheldon adhered to his opinion, and it was ultimately agreed that they should first bring forward their exceptions, and then their amendments.

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A paper containing their exceptions was accordingly drawn up, and laid before the episcopalians. The exceptions were drawn chiefly by Wallis and Reynolds; but the task of composing the new forms which were to be substituted in the place of the liturgy was confided to Baxter alone. In making their exceptions, the presbyterians were divided as to the manner of doing it; some prudently advising that the most important objections only should be urged, because if these points were gained, and a comprehension effected, minor differences might afterwards be composed. But the majority, through the influence of Baxter, were for extending their desires to the utmost. He persuaded them that the commission authorized and obliged them to offer every thing which they thought conducive to the peace of the church, and to insist on every objection, however trivial. The presbyterians never considered the conclusions which their antagonists would draw from

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such a mode of proceeding, that they were a body of men who would never be satisfied, and that concession would only give rise to new demands. Their injudicious conduct in this instance ought to be imputed to the captiousness of Baxter, and not to the art of Sheldon*.

The introductory demand of the presbyterians was expressed in those vague terms which are highly improper when used in controversy. They moved that the prayers, and other material parts of the liturgy, might not be classed with any thing which was doubtful, or questioned by "wise, pious, and orthodox persons." They suggested, that as the liturgy was framed by its first compilers in such a manner as was likely to gain the papists, by departing as little as possible from the ancient rituals, so, by the same rule of prudence and charity, the liturgy ought at this period to be so modified as might best reconcile it to those protestants who agreed with it in the substantial parts of religion.

Descending to particulars, they proposed that the repetitions and responses of the people, and the alternate reading of the psalms and hymns, should be discontinued. It was alleged, that the practice occasioned a confusion in the celebration of divine service, and rendered it less intelligible; that the minister ought to be the organ of the people; and that, according to the rule of Scripture, the congregation ought to declare their

* An Account of all the Proceedings of the Commissioners of both Persuasions, (Episcopalian and Presbyterian,) appointed by his Sacred Majesty King Charles the Second. London, printed by authority, 1691.

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assent only by saying, *Amen*. For this reason they desired that the litany might be thrown into one continuous prayer, to be pronounced by the minister alone. Next they demanded that nothing might remain in the liturgy countenancing the observance of Lent as a religious fast, and that all saints' days, with their vigils, should be abolished. They required a license to use the gift of private prayer, and in order to exercise this gift, a liberty to the minister to omit any part of the prescribed service, according to his discretion. They censured the old translation of the Epistles and Gospels which was still used in the liturgy, and the use of the apocryphal lessons. They demanded that the practice of reading any part of the service at the holy table should be discontinued, unless when the communion was administered. The word priest they wished to be changed for that of minister, and Sunday into the Lord's day. As psalmody was an important part of public worship, they desired a more correct version of the Psalms in metre than that which was in common use. They also objected, that the phraseology of several of the public offices, which presumes all persons within the communion of the church to be regenerate, converted, and in an actual state of grace, conveyed a supposition which the utmost charity could not admit. Finally, they represented the Collects as not being sufficiently methodical, and as being too short, and the Catechism and Confession as abounding too much in generalities. In regard of the ceremonies prescribed by the liturgy, the old objections were renewed against the surplice, the

CHAP. cross in baptism, and the posture of kneeling at
III. the communion.

At the same time, when the presbyterians delivered this paper of exceptions, they presented an entirely new liturgy, composed by Baxter, not with a design of setting aside entirely that which was already established, but of giving a liberty to the clergy of adopting either. It was composed in a short time, and, like other hasty compositions, was crude and indigested. It had been examined and approved by the other presbyterian commissioners before it was presented. As such a proceeding was at variance with the terms of the commission, which authorized no alterations in the established ritual which were not absolutely necessary, the Baxterian, or, as it was termed, the reformed liturgy, was instantly, and without examination, rejected*.

Not so however with the exceptions. They were maturely considered by the episcopal divines, and answered in a manner which at the same time displayed the strength of their cause, and also their ability in its management.

To the general objection, that the English liturgy had always given dissatisfaction to many persons of piety and learning, they gave in substance the following answer: It is no valid argument to say that a great many pious persons have objected to its use, unless it can be evidently proved to be unlawful. If the liturgy were altered according to the demands of the presbyterians,

* Baxter's liturgy is printed at the end of Calamy's Life. See also "History of Nonconformity," 8vo, second edition, 1708.

the best members of the church of England would have a reasonable cause of disgust. For such an alteration would imply that the Book of Common Prayer was grossly superstitious, and an intolerable burden on tender consciences." To another part of the proposal, that the prayers may consist of nothing doubtful or questioned by "pious, learned, and orthodox persons," it was replied, that since no definition is given who those orthodox persons are, all those must be esteemed orthodox who have the assurance to call themselves such. Some who deny the divinity of Christ will call themselves orthodox, and yet there is no reason why a single article of the creed should be given up for their satisfaction. Besides, the proposal implies an impossibility. There never were, and never will be, prayers composed in such a manner as will satisfy all persons who call themselves "pious, learned, and orthodox." But if by orthodox be meant those who adhere to the Scriptures, and the catholic consent of antiquity, by these no part of the English liturgy has been disapproved. It was the wisdom of the English reformers, in the composition of their liturgy, not only to gain the papists, but to compile a form of prayer against which neither the Romanists nor protestants might justly except. And therefore, as the Romanists never charged it with any positive heresies, but only with the omission of some essential doctrines, so it was never blamed by those who are properly called by the name of protestants, that is, those of the Augustan Confession. As for those who have depreciated the liturgy, and endeavoured to bring

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it into popular contempt, their conduct is their own fault and sin, and is no argument for its alteration merely to gratify their error.

Having thus obviated the general objection, the particular exceptions of the nonconformists founded on it received a direct and distinct reply. To give a summary of these answers would exceed the limits of the present work, but a few deserve to be selected on account of their clearness and force.

In answer to the demand that the responses in the litany, and the alternate reading of the psalms by the minister and the people should be abolished, it was said: "The very reason urged for abolishing them proves the propriety of their continuance. You would alter these usages because they do not edify; now we say that these usages should continue because they do edify. They edify not by informing the understanding, but by awakening attention. Our attention is awakened by mutual exultations, petitions, and holy emulations, which of us shall go farthest in our zeal for the glory of God. For this purpose, alternate reading, repetitions, and responses, are far more serviceable than a long and tedious prayer. Nor is this our opinion only, but the judgment of former ages, as appears by the practice of the Jewish and ancient Christian churches. But the demandants object that the custom clashes with the Scripture, that the inspired writings declare the minister to be the organ of the people in the public service, and that the duty of the people is only to attend in silence, and signify their assent by saying, *Amen*. Now if it be meant, that the

people in the public service should only say, *Amen*, their own practice is in opposition to the assertion. We mean in singing their psalms, where the people take as great a part as the minister. Now if this may be done in the translation of Hopkins, why not in the authorized version? If in metre, why not in prose? If in a psalm, why not in a litany?"

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The objection to reading the apocryphal lessons, an objection undoubtedly the strongest of any adduced on this occasion, was met by the following reply. "The presbyterians demand an alteration upon such grounds as would exclude all sermons as well as the Apocrypha. Their argument is, that the holy Scriptures contain all things necessary, with reference both to faith and practice. This plea may be retorted on them in the present case by a dilemma. If the inspired writings be so comprehensive, to what purpose are there so many unnecessary sermons? Why have we any thing more than the bare reading of the Scriptures? But if notwithstanding the sufficiency of the Old and New Testament, sermons are necessary, there is no reason why the apocryphal lessons should not be reckoned equally useful. For most of them deliver excellent discourses of morality, and it is much to be wished that the sermons of those ministers were not worse. If they are afraid that these books, by the respect shewn to them, come to an equal authority with the Canon, the church has secured against such an error by their very appellation, apocryphal. It is the testimony of the church which makes this distinction, and to omit all the

CHAP. apocryphal lessons is contrary to the usage of the
III. church in former ages.

In defence of the practice of reading the communion service at the Lord's table, it was answered, that such was the practice of the primitive church. "If," says the answer, "we do not govern ourselves by that golden rule of the Council of Nice, *Let ancient custom be observed*, we shall give offence to sober Christians, by a causeless departure from catholic usage. The standing of the priest at the holy table seems an invitation to the blessed sacrament, and reminds us that it is the duty of some Christians to communicate every Sunday. And though we happen to neglect our duty, it is fit the church should suggest the recollection of it, and not deviate from her laudable customs."

The answer of the episcopal commissioners was followed by a reply from the presbyterians, and they presented at the same time a petition for peace. They besought the bishops to yield to their amendments, to have compassion on scrupulous minds, and not to despise their weaker brethren. They prayed to be released from the subscriptions and oaths prescribed by the king's Declaration, not to be subjected to the necessity of reordination, and not to be compelled to the observance of indifferent ceremonies. When the term allowed by the commission for the continuance of the conference had almost expired, the presbyterians repeated their request of a verbal discussion, on the subject of the papers exchanged between the opposite parties. The request was granted, and three divines on each side were selected to engage in

disputation. The bishops chose Pearson, Gunning, and Sparrow, the presbyterians nominated Baxter, Bates, and Jacomb. Through want of method, frequent interruptions, and personal reflections, this mode of debate was attended with no satisfactory result. There was a large auditory, consisting principally of younger episcopal divines, while the presbyterians were accompanied by only two or three students and laymen, among whom was Tillotson.

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Pearson earned the commendation of both parties, and of the assembly at large. His argument was managed accurately and calmly. The presbyterian divines professed a high regard for him, and believed that if he had been an umpire instead of a disputant, his concessions would have greatly relieved them. Gunning took the lead in the disputation, for which he was well qualified by his ready elocution and scholastic habits. If he did not disappoint his friends, he irritated his antagonists, and he was accused of employing all the arts of sophistry in as confident a manner as if they had been sound reasoning. His respect for the practice of antiquity, and his adherence to primitive ceremonies, were construed by his enemies into a design of reconciling the church of England to Rome. Sparrow appears to have been the least active of the three episcopal disputants, and thus to have escaped censure, for his acquaintance with the ancient rituals and liturgies was profound. The whole burden of the disputation on the presbyterian side rested on Baxter, for Bates and Jacomb held only a second place in ability or rank among the nonconformists.

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The bishops successively moderated between the disputants, and sometimes interposed their remarks. Morley was the chief speaker; on the Quinquarticular controversy he is said to have inclined to the Calvinists; but his hostility to their discipline and formularies was decided: he was vehement and uncompromising in the conference. Cosins was inclined to moderate measures, but was provoked to utter some reflections which were too pertinent to be forgotten*. Sanderson, accustomed to logical disputation, lost his constitutional patience when he heard the rules of logic violated, and was prompted to say of one of the disputants, that he never met with a man of more pertinacious confidence and less ability†. Henchman, who was deeply versed in the fathers and in the history of councils, was strongly opposed to a comprehension, yet delivered his sentiments with great temper and moderation. Gauden and Reynolds took the part of the presbyterian divines; the one spoke often, the other rarely.

To bring the disputation to a speedy issue, Cosins produced a paper containing an expedient, proposing that the nonconformists should make a distinction between such things as they deemed sinful, and such as they deemed only inexpedient. The three presbyterian disputants were requested to deliver their opinion on this point, and they charged the rubric and liturgy with eight things which they determined to be absolutely sinful and contrary to the word of God. These were, 1, the cross in baptism; 2, the surplice; 3, kneeling at

* Neal's Hist. of the Puritans, vol. iv. c. 6.

† Walton's Life of Sanderson.

the Lord's Supper ; 4, calling all baptized persons regenerate ; 5, administering the communion to A. D.
1661.
the impenitent sick ; 6, the general absolution ; 7, returning thanks in the burial service indiscriminately on all ; 8, demanding from preachers subscription to the Book of Common Prayer, and the Thirty-nine Articles.

After some desultory conversation, it was agreed that a disputation should take place on the third point, shaped into the question, whether the communion should be refused to such as would not kneel ? Here the presbyterians were at first the opponents, and rested its sinfulness on the text in St. Paul's Epistle to the Romans ; " Him that is weak in the faith receive ye, but not to doubtful disputations." The respondents said that this precept could not be understood of the communion. Gunning, having read certain citations in defence of his interpretation of this text, Cosins, who acted as moderator, put the question thus : " All of you who think that the respondent has proved that the passage of St. Paul is not applicable to the communion say, Aye." Upon which there was a general shout among the hearers in favour of Gunning.

In their turn the episcopal disputants were the opponents on the question, whether it was sinful to make an injunction, refusing the communion to such as would not receive kneeling ? The disputation proceeded to a considerable length, but was at last terminated with abruptness and confusion, and severe reflections were bestowed on the perplexed and intricate ratiocination of Bax-

CHAP. ter, who confounded what was clear, rather than
III. decided what was doubtful.

At the close of the last day the commissioners, who had spent so many months in altercation, and who had differed on every topic of debate, came to a unanimous conclusion on the terms in which the result of the conference should be reported to the king. It was thus expressed: The welfare of the church, unity and peace, and his majesty's satisfaction, were ends upon which they were all agreed; but as to the means, they could not come to any harmony*.

* Wilkins's Concil. vol. iv.

CHAPTER IV.

New Parliament assemblies.—Convocation held in the Province of Canterbury with Proxies from that of York.—Final Review of the Church Liturgy.—Alterations introduced and authorized by Act of Parliament.—Corporation Act.—Act of Uniformity.—Dispossession of Presbyterians.

WHILE the Savoy Conference was engaged in its fruitless deliberations, the coronation was celebrated with great splendour. Juxon, though oppressed by age, was able to place the crown on the head of his sovereign, but he retired before the end of the solemnities, and left them to be performed by Sheldon. The sermon was preached by Morley.

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April 23.

The convention parliament having been dissolved at the close of the last year, a new parliament was chosen, which met in the ensuing spring. In the former parliament the strength of the presbyterian interest in the house of commons was great, though it has been exaggerated by their partisans; but in this parliament they have been forward to acknowledge its diminution. The cause of this declension they have not scrupled to assign to the corruptive arts of the court, and the exertions of the earl of Clarendon.

1660.
Dec. 29.

1661,
May 8.

Soon was it discovered that the temper of the government was unfriendly to the presbyterians, and that no distinction was made between other sectaries and themselves. The speech of Cla-

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rendon, in his comments on that delivered by the king, recommended the utmost severity against all preachers of sedition*, and he probably intended to include under this description the whole body of nonconformists. The commons were not less disposed than the court to adopt the most rigorous measures against dissent. A vote was immediately passed that all their members should receive the sacrament, according to the ritual of the church of England, within a prescribed time, on pain of expulsion. In a few days after, they not only repealed the Solemn League and Covenant, but ordered it to be erased from the records of all the courts of law in which it was enrolled, and to be publicly burnt. To the same mark of ignominy were consigned all the parliamentary acts passed during the usurpation. The act, which the late king had passed through compulsion, excluding the bishops from the house of lords, was repealed†. These legislative measures were speedily carried, and an adjournment took place to the end of the year.

When the new parliament was summoned, the customary writs for assembling a convocation were delayed, and it was not determined by the privy council whether the ecclesiastical legislature should immediately, if ever, resume its functions. It was thought that the Savoy Conference, now in progress, might supersede any synodical meeting. While the affair was in suspense, Heylin, one of the Savoy commissioners, addressed a letter to a chief minister of state, probably to Clarendon.

* Kennet's Chron. pp. 510, 511.

† Stat. 13 Car. II. c. 2.

He expressed a hope that a conference between a few bishops and a smaller number of divines and the presbyterians was not intended as the representative assembly of the church of England, which could not be bound by the acts of a body so constituted. According to a general opinion the Savoy Conference was designed to discuss certain points of the liturgy, for no other purpose than to prepare matters for a convocation; and if this opinion were correct, why might not the Conference and the Convocation carry on their proceedings at the same time*?

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An application enforced by such reasons was received with the attention which it merited; and some time after the parliamentary writs had been issued, the king sent his writs for holding a convocation in the province of Canterbury. It was not till the parliament closed its short session by an adjournment, that a writ was directed to the province of York, when the convocations of the two provinces were restored to their lawful functions. The convocation of Canterbury before the adjournment appointed committees for composing forms of prayer on the thirtieth of January and the twenty-ninth of May, and also a form of administering baptism to those of riper years.

April 11.

June 10.

On the expiration of the period of adjournment the upper houses met for the first time in their ancient parliamentary constitution of lords spiritual and temporal. Though the proceeding was irregular, the king came to the house with great state, and delivered the following speech: "I

Nov. 20.

* Kennet's Hist. of England, vol. iii. fol. Collier's Eccl. Hist. vol. ii. b. 9.

CHAP. know the visit which I make to you this day is
IV. not of course, yet, if there were no more in it, it
would not be strange, that I come to see what
you and I have so long wished to see, the lords
spiritual and temporal, and the commons of Eng-
land, met together to consult for the safety of the
peace of the church and state, by which par-
liaments are restored to their primitive lustre and
integrity: I do heartily congratulate you on this
day." The archbishop of York and twenty-two
bishops were present, to receive the congratula-
tions of their sovereign, and to resume their
places in the great council of the nation*.

A royal letter was immediately addressed to
the convocation, commanding a review of the
Common Prayer Book, and it was required that
all proposed alterations should be submitted to
the king for confirmation. In consequence of the
expedition required by the king, the convocation
of the province of York agreed to make proxies
for the transaction and completion of this business
in the convocation of Canterbury, and bound
themselves to abide by the decision of the united
assembly, under the penalty of forfeiture of chat-
tels †.

Fearn ‡, the former prolocutor of the lower
house, having been preferred to the bishopric of
Chester during the recess, Barwick, dean of St.
Paul's, was elected by the unanimous suffrage of

* Journals of the Lords.

† Collier's *Eccles. Hist.* vol. ii. b. 9.

‡ Dr. Henry Ferne, archdeacon of Leicester, dean of Ely,
and finally bishop of Chester. He died five weeks after he
possessed the see. Wood. Goodwin.

the clergy into that highly honourable office. The honour is enhanced by the reflection, that the electors were men of as profound erudition as ever adorned the church, and that the business to be accomplished was of an importance rarely surpassed.

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The progress of an affair so interesting as the last review of the liturgy cannot be dismissed cursorily. Censures have been so abundantly bestowed on the temper with which it was conducted, that their grounds demand a careful deliberation.

When the king's letter, authorizing and commanding the review, had been read, the business was entrusted to the care of a committee. For the satisfaction of the nonconformists and others, it was thought expedient to state in a preface the motives and rules by which the convocation was guided, and the reasons of the alterations and amendments. This was the composition of Sanderson, and with his usual judgment he explains the general views of the committee, as well as the reasons of the variations from the former service books. Saneroft, at this time a delegate from the convocation of York, was highly useful in rectifying the calendar and rubric.

Although no change was made in the ordinary service of Morning and Evening Prayer, yet there were several additions in the occasional prayers and thanksgivings. A Prayer for the High Court of Parliament was now inserted in the liturgy, though it is a composition of earlier date, and was occasionally adopted by public authority. The phrase, "our most religious and

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gracious king," was not now first applied to Charles the Second, but had been used with more propriety for Charles the First*. The last review is no otherwise faulty, than in retaining, or in not omitting, the epithets. Another prayer, entitled "for all Conditions of Men," was composed as well as inserted at this time, and the reputation of its authorship has been divided between Sanderson and Gunning†. The "General Thanksgiving" has been attributed without any other claimant to the pen of Sanderson‡.

Of one change in the celebration of the services it is necessary to speak, because that change has tended greatly to obscure their significance and harmony. It has also tended to strengthen the objection, that the morning service is tediously long, and clogged with unnecessary repetitions. Before the last review, the litany was used according to the intention of the reformers, and the practice of the primitive church, as a preparation for the Communion or the second service. In correspondence with this intention, it was customary in many churches to toll a bell while the litany was reading, to warn the people that the communion was about to commence. Vestiges of this custom yet remain, but, according to the general practice,

* In the office of 1625, is a prayer for the High Court of Parliament, to be used during their session. It is not materially different from the present form, but it contains some additional sentences. See Grey's Exam. of Neal's Hist. vol. iv. p. 310. Note.

† But it was most probably written by Gunning. Bisse's Beauty of Holiness in the C. P. p. 97. Note.

‡ Wheatley on the C. P. Appendix to c. iv. §. 6.

the litany is now injudiciously blended with the Morning Prayer, and the rubric enjoins that the litany shall, on the proper days, be read after the third Collect, instead of the intercessional prayers in the daily service. It is also to be regretted, that a suffrage for the high court of parliament was not inserted in the litany, immediately after that for the privy council or the royal family*.

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The Psalms were still to be read on ordinary days in their monthly course; but the introits on Sundays and holydays were, unhappily, not restored. The translation used is that of Tindal and Coverdale, edited by Cranmer, and was advisedly retained, on account of its harmony, and the reverence which it had acquired by long use. The Epistles and Gospels, of which the presbyterians had complained at the Savoy Conference, were changed for the new translation. The lessons, according to the former practice, were sung or chanted in a plain tune, and likewise the Epistle and Gospel; but the rubric of king James enjoining this practice was now omitted, the simple reading of them being thought preferable. The apocryphal books were still read, but it was agreed that they should be read only on Sundays.

In the Communion-office many alterations were adopted. The Exhortations were amended, and

* This alteration was suggested by bishop Wilkins, when proposals were made in 1668 for reforming the liturgy. The suffrage was to be in this form: "That it may please thee to direct and prosper all the consultations of the high court of parliament, to the setting forth thy glory, to the good of the church, and to the safety, honor, and welfare of our sovereign, and his dominions, or kingdomes."

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the Confession was directed to be read by one of the ministers. In the prayer of Consecration, the priest is directed to break the bread, and the rubric for explaining the reason of kneeling at the sacrament was restored. The term "regeneration" was deliberately retained in the office of Baptism, and the decision of a former convocation condemning baptism by the laity was confirmed. The rubric which confined the seasons of public baptism to Easter and Whitsuntide was omitted, and its celebration was allowed on any Sunday or holyday. Another rubric was added, on the requisite number and qualification of sureties, affirming the provision of the twenty-ninth canon, that "no parent is to be admitted to answer as sponsor for his own child." The rubric in the office of Confirmation was softened, by admitting to the communion those who were desirous of being confirmed, as well as those who had been confirmed. A few verbal alterations were made in the Marriage Service. In the office of Visitation of the Sick, a parenthesis was added in the rubric, that the form of Absolution was not to be used, unless the sick person humbly and heartily desired it. In the Communion for the Sick, the minister is not enjoined to administer this sacrament to every sick person that shall desire it, but in such cases only as he shall judge expedient. In the office for the Burial of the Dead, the words, "in sure and certain hope of resurrection to eternal life," were amended by the insertion of the definite article, intimating, that it is the general doctrine in which Christians place their sure and certain hope. To take off from the

objection of returning thanks to God for the departure of the deceased person, a rubric was added, forbidding the use of the office to any that die unbaptized or excommunicate, or any that have laid violent hands upon themselves.

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Besides these alterations, the forms of prayer composed before the adjournment for the thirtieth of January and twenty-ninth of May, forms of prayer to be used at Sea, and an office of Baptism to those of riper years, were now added. The number of alterations and additions has been estimated at six hundred.

From this statement, it is scarcely a digression to repel the charges which have been brought against the English liturgy, both by the Romanists and the dissenters. The former have urged, that the English Reformation was altogether parliamentary, the work of the civil power; the latter have argued, that all the changes, even in the last review, were made to gratify the papists, and that "the mystery of popery did even then work *." In answer to the charge of the Romanists, it has been said by an acute writer †, that it would be an equal scandal on the first general councils to affirm that they had no authority for what they did, but what they derived from the civil power. In answer to the charge of the non-conformists it must be observed, that in the last review not one additional concession is made in favour of the papists; and that the reason assigned for kneeling at the sacrament of the Lord's Supper, which, with equal injustice, they asserted

* The words of Tennyson.

† Sherlock, or Q. Gibson.

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 IV. ciliate the members of the church of Rome, was
 now restored.

The Common Prayer Book occupied the atten-
 tion of the convocation almost a month, and it
 Dec. 20. was solemnly confirmed by the signatures of the
 upper and lower house. It was then sent to the
 1662. king and the privy council, and thence transmitted
 Feb. 24. to the house of lords, with this message, that the
 alterations and amendments had been duly con-
 sidered by the king; and that he had approved and
 allowed them by the advice of his privy council.
 To this testimony of approbation a recommenda-
 tion was subjoined, that the house of peers would
 enforce its use throughout England and Wales,
 under such sanctions or penalties as might be
 thought fit*.

The liturgy was carefully revised, and the
 alterations were minutely discussed in the house
 of lords, and some of the amendments met with
 considerable opposition. But at length the lord
 chancellor, by order of the house, delivered a
 March 15. vote of thanks to the bishops for their care in the
 business, with a request that they would commu-
 nicate the vote to the lower house of convocation.
 The lords immediately transmitted the liturgy to
 the commons.

In the new parliament such members had been
 returned as were equally hostile to the presby-
 terians and papists, and the house of commons
 was prepared not only to give its vote of appro-
 bation to the liturgy, but to enforce its use. It

* Kennet's Chron. p. 633.

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was at this stage of the business that the personal wishes of the king appeared, and a secret influence was in visible operation. Before the liturgy was sent down from the house of lords, the king delivered the following exposition of his sentiments, with a defence of his conduct: "I hear that you are zealous for the church, and very solicitous, and even jealous, that there is not expedition enough used in that affair. I thank you for it, since, I presume, it proceeds from a good root of piety and devotion; but I must tell you that I have the worst task in the world, if after all the reproaches of being a papist while I was abroad, I am suspected of being a presbyterian now I am come home. I know you will not take it unkindly, if I tell you I am as zealous for the church of England as any of you can be, and am enough acquainted with the enemies of it on all sides. I am as much in love with the Book of Common Prayer as you can wish, and have prejudices enough against those who do not love it, who, I hope, in time will be better informed, and change their minds. And, you may be confident, I do as much desire to see an uniformity settled as any of you, and pray trust me in that affair; I promise you to hasten the dispatch of it with all convenient speed: you may rely upon me in it. I have transmitted the Book of Common Prayer with the amendments to the house of lords; but when we have done all we can, the well settling that affair will require great prudence and discretion, and the absence of all passion and precipitation*."

* Rapin's Hist. vol. ii. folio.

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From this address the first undeniable inference to be drawn is the decided hostility of the commons to the presbyterians. That hostility had been shewn in the last session by the CORPORATION ACT *, and it was about to be exhibited in the ACT OF UNIFORMITY †.

This famous bill originated in the commons, and was passed with the greatest expedition and zeal. They seemed impatient of any delay in its progress ‡. But in the house of lords there was a collision of interests. The Romish party was led by the earl of Bristol, who had forfeited his office of secretary of state, and his rank of privy counsellor, by his reconciliation with the church of Rome. He was a man equally remarkable for the superiority of his talents, and for want of judgment in their application §. The presbyterians acknowledged for their leader the earl of Manchester, a man who differed from the sect in his love of monarchy, of liberty, and of literature. The friends of the church relied on the wisdom of its prelates, and the counsels of Clarendon and Southampton.

With these conflicting interests, the bill, though supported by the bishops, experienced various obstructions. The lords professed a high regard for liberty of conscience, and under this plea proposed several modifications in the penalties imposed for

* 13 Car. II. stat. 2. c. 1. † Stat. 14 Car. II. c. 4.

‡ Neal, and other writers who have copied him, have misrepresented the progress of the bill through the house of commons. Neal says it was passed by a majority only of six. Ayes 186, Noes 180.

§ Swift calls him the prototype of Bolingbroke.

nonconformity. They attempted to insert a salvo for their own privileges; they would have exempted from the operation of the bill schoolmasters, tutors, and all who were entrusted with the education of youth; they would have included under its disabilities only those benefices to which a cure of souls was annexed; and they added a proviso, allowing to such ministers as might be ejected, a fifth part of the emoluments of their late benefices. These prepared amendments occasioned many conferences between the two houses, but the commons would abate nothing in their favour. They would indulge no latitude in the use of the surplice, nor any of the ceremonies, lest such an indulgence might be construed into a precedent; lest it might encourage schism; and lest, after all, it might fail of satisfying those who pleaded for indulgence. When the Declaration by the king at Breda was urged by the lords, the commons replied, that it was absurd to call a schismatical, a tender conscience, and that even then the king had guarded his promise of indulgence by two limitations, the consent of parliament and the peace of the kingdom*.

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After a protracted discussion between the two houses, the commons gained the victory, the lords laid aside their objections, and the bill passed the upper house, though with no great majority. No impediment could be thrown in the way to prevent its confirmation by the royal assent.

May 8.

April 19.

Here then a question will pertinently occur, who were the authors and promoters of the Act

* Ralph's Hist. of England, vol. i. Kennet's Chron. p. 677.

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of Uniformity? An answer is supplied from the preceding statement. It was the house of commons. The bill originated in the representative branch of the legislature, and was passed into a law by the resistless force of that body, drawing after it a cold and feeble majority of the house of lords, and the customary assent of the crown, in opposition to the preponderating influence of the cabinet, and the secret wishes of the king.

Another question naturally follows: against whom were the enactments of the bill directed? To this question it is unfair to give an answer till a brief account be offered of the conditions which it imposed.

The terms of conformity were in number five: 1, reordination in such as had not been episcopally ordained; 2, a declaration of assent and consent to the Book of Common Prayer; 3, an oath of canonical obedience in all things honest and lawful; 4, an abjuration of the Solemn League and Covenant; 5, a renunciation of the abstract dogma, that it is lawful to take up arms against the king under a pretence of defending either his person or the liberties of the subject. These terms were partly religious and partly political; the first three falling under the denomination of religious, the two last under that of political conformity.

The conditions of continuing in the communion of the established church being of a mixed nature, such were consequently the motives of those who could not conform. Of the religious conditions, reordination and the oath of canonical obedience, were offensive to a considerable body of the presby-

terian clergy, but a declaration of assent and consent to the Book of Common Prayer was refused by dissenters of all denominations. Of the two political conditions, a renunciation of the Solemn League and Covenant had been solemnly and voluntarily given by the present house of commons, and no body of men, whether ecclesiastical or civil, could complain of injustice by a demand of a similar renunciation. But the last condition being the condemnation of an abstract and general proposition, implied not only a surrender of a speculative opinion, even if it were never called into action, but also a stigma on the conduct of many presbyterians still living, and many of their progenitors.

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An answer is now abundantly supplied to the question, against whom was the Act of Uniformity directed? It was directed against the presbyterian clergy. It was made for ministerial conformity alone, and it left the people unable to complain of any new imposition*. It invaded the liberties of no other class of dissenters, for none of these professed or entertained any wish of comprehension within the church.

A prudent man, if a third question be asked, whether these terms of conformity were unjust, will either decline an answer altogether, or defer it till he has set forth the effects of the Act of Uniformity, and the mode of its operation.

Between the operation and the enactment of the law, an interval of three months was allowed, and this interval was employed by the presby-

* Kennet's Chron. p. 742. and Comp. Hist.

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terian clergy in deliberating on their future course. There were frequent consultations in the city of London and in other parts of the kingdom between the presbyterians, for their scruples about conformity were not in all equally strong or equally sincere. Among those who had conscientious scruples, these scruples differed in kind and in degree. Some were positively resolved against all compliance, but greater numbers were wavering and doubtful, and were inclined to sacrifice their feelings, rather than quit their situations, and be deprived of the power of doing good. Many experienced a severe conflict between interest and conscience, for on each side the temptation was great. On one side was the prospect of losing those benefices which afforded a respectable support; on the other side was the disgrace of deserting or compromising principles for the sake of temporal good. But many external encouragements were given to incline the balance on the side of conscience and nonconformity. It was reported that the number of dissentients would be too formidable to permit an execution of the law, and that an unanimity in resistance must defeat its operation. Baxter had set an early example, by seceding from his ministerial labours, and had thus endeavoured to animate his brethren to a vigorous opposition *. Some of the presbyterian leaders in the house of peers are said to have cherished this spirit; and even the king himself, according to the representations of the presbyterian rabbies, was greatly disposed to shew

* Life of Baxter, p. 2. He quitted his station in May.

them favour, though not from any motive either of gratitude or of affection *.

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And while this appearance of determined and united opposition was studiously displayed, the more indirect methods of solicitation and supplication were not neglected. A petition was presented to the king in person, praying that the penalties of the act might not be enforced; and when he was in some measure moved by the earnestness of its language, a promise was obtained from him that the operation of the law should be suspended. It was hoped that by this method of personal application, the interposition of any unfriendly advice would be prevented, and this expectation was confirmed by prevailing with the king not to summon a council until three days before the operation of the act was to commence. But in this contrivance the presbyterians were defeated, and the evil which they had so artfully laboured to avert, unexpectedly happened. The promptness and courage of one man disappointed their machinations, and that man was Sheldon †. The council being met, this prelate, though not summoned to attend, appeared in his place, and pleaded for the execution of the law with that "sharpness of wit and strength of reason," that he did not so much persuade as command the assent of the king and the whole council, and almost the petitioners themselves. He forcibly represented that the proposal for suspending the law came too late, that, in prospective obedience to it, he had proposed to eject all who would

* Ralph's Hist. of England, vol. i.

† Ibid.

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not obey it throughout his diocese, and that he had been particularly careful to provide a supply for the vacant pulpits in the metropolis with good preachers. By this necessary precaution he had so highly provoked the anger and hatred of the nonconforming ministers, that if they were not ejected, he should not henceforward live at the head, and in the society of brethren, but of implacable enemies. He had not the boldness to question the wisdom of a law which had been enacted with the general approbation of all good men, and with the consent of parliament, after a long and minute discussion. And he concluded by saying, "that if so sacred a law should now be repealed, the legislature would be exposed to the sport and scorn of faction; and the church would never be free from disorders and divisions, if factious men could extort their demands by impudence and importunity*."

Arguments like these could not be easily controverted, and on the king they operated, if not to subdue his inclinations, yet to raise Sheldon in his esteem. The promise unguardedly given to the petitioners was violated, and they were left to the law.

The fatal St. Bartholomew's day, a day which before had been a day of mourning in the annals of the church, at last arrived. On the preceding Sunday the most popular of the presbyterian ministers in the metropolis preached their farewell sermons, in which they spared no language which might inflame their hearers. The

* Ralph's Hist. of England.

loss, which their flocks must sustain by their deprivation, must be estimated by their qualifications for the pastoral care, and these were certainly not omitted in their valedictory discourses.

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To appreciate rightly the amount of suffering by the ejected ministers, it is necessary to ascertain the number and the character of the sufferers. Two thousand is the number which the historians of nonconformity have boasted as martyrs to an act of parliament; and writers, friendly to nonconformists, have repeated the statement, though they have not ventured to defend it*. That which has been so extravagantly stated, there is no necessity to refute by an elaborate examination of its probability. One general remark will be sufficient, that not all the presbyterians who were ejected, were ejected on St. Bartholomew's day, and by the Act of Uniformity; and that a distinction should be made between those who voluntarily quitted their benefices, and those who were dispossessed to make way for the legal owners.

But to ascertain the number of presbyterians who relinquished, or were deprived of their benefices, it has naturally occurred to compare it with those episcopal clergy who were ejected by the presbyterians in the time of the rebellion. Whatever objections may have been raised and received against this method of computation, yet they will appear to be dictated by spleen or party. The episcopal sequestered clergy, dispossessed by no competent authority, ecclesiastical or civil, were

* Especially Burnet.

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entitled to be reinstated when the legal authorities resumed their functions. It is not right that those who were dispossessed as intruders should be placed in the rank of martyrs.

But after this deduction there remains a large number of voluntary sufferers, the merits of whose case will be decided as these questions are answered. Since episcopacy was now the government of the church of England, was it unjust to require from her ministers an acknowledgment of the invalidity of presbyterian ordination, or a promise of canonical obedience? Since a liturgy was the essential and distinctive mark of the English church from other protestant communities, was it right that her ministers should be suffered to condemn it; or rather was it not right that they should give a public testimony of their assent to it, and a promise to conform to it in their public ministrations?

From those who contend that the terms of conformity were, if not unjust, at best rigorous, it is natural to inquire what concessions would have satisfied the nonconformists, and whether such concessions might have been granted with safety or prudence? Two sayings have been invidiously attributed to Sheldon, illustrative of this point. When one of the dissenting ministers said, "It is lamentable that the door of admission is so strait," he replied, "It is to be lamented that the door is not straiter." When the earl of Manchester told the king he was afraid that the terms were so rigid that many would not conform, he said, "I am afraid they will." Both these remarks of Sheldon are given on question-

able authority. The former it is highly probable that he never uttered; the latter harmonizes with a maxim which he avowed, that it is better to have dissent out of the church than schism within it.

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Frequently has it been asserted by men of warm feeling and no reflection, that many of the pious nonconformists would have been satisfied with a few and trivial concessions, and such men are fond of referring to Baxter. Of all examples to prove their assertion none could be so unhappily adduced, for of all the nonconformists Baxter was the most unlikely to be satisfied. The terms of conformity bore less heavily on him than on many others. Reordination was not in his case necessary, for he had been episcopally ordained; the Solemn League and Covenant he might have safely renounced, for he had expressed his dislike of such a test. The chief objection which operated on his mind was the liturgy, and to this he would never have conformed. The alternative then must be, whether Baxter or the liturgy should be retained; and few churchmen would hesitate to which the preference should be given; few could think that the resignation of the liturgy is a trifling concession.

Regrets and lamentations like these are bestowed on an improper object; if their indulgence be cherished, they may be transferred from the petulance and vacillation of Baxter to the meekness and consistency of Philip Henry. In this faithful servant of God nonconformity appears under its fairest form, and the reasons which

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decided him ought to be briefly set forth, as being the most forcible and the most pure of all that have been advanced for the sufferers. In him, separation from the church was an act which had been carefully weighed in the balance of the sanctuary.

The condition of reordination was the strongest bar to his conformity, and the point on which he chiefly insisted. He could by no means submit to be reordained; so well assured was he of his call to the ministry, and of his outward destination to it, by the laying on of the hands of the presbytery, that he dared not perform any act which would be at least a tacit condemnation of his former ministrations. In the next place he was not at all satisfied to declare assent and consent to the Book of Common Prayer. The exceptions offered at the Savoy Conference he thought to be of great weight; and he could not give to the imposition of ceremonies his acquiescence, and still less his approbation. In church government that which he wished and desired was the scheme of moderate episcopacy framed by Usher. With respect to an abjuration of the Solemn League and Covenant, he had never taken it, and had never expressed any fondness for it; yet he could not think, and therefore could not declare, that it was in itself an unlawful oath. The sum of his reasoning appeared to be comprised in this proposition; that the Act of Uniformity, by imposing indifferent ceremonies, under the sanctions of a law, coupled with the obligation of an oath, had defeated its object; and if all men had been left

to their liberty, there would have been much more unity, and not much less uniformity*.

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These reasons are not so strong as to command general conviction, and they are not so weak as to be dismissed with carelessness. All denominations of Christians must lament that they should have deprived the English church of so bright an ornament, and will not hesitate to rank his exclusion from the ministry, as one of the evils resulting from the Act of Uniformity.

Willingly should it be acknowledged that this case is not solitary, and that many faithful ministers and dispensers of God's word were precluded from retaining those situations which they had filled with profit. Yet these instances of patient and humble suffering will not be sufficient to furnish a satisfactory answer to the question, what was the general character of the ejected ministers?

It is an undoubted fact that many, who were in possession of benefices, had never received any kind of ordination, and that they had no other mission than their pretended call, and reputed zeal of the spirit; others who had received presbyterian ordination, even if their morals were unimpeached, were destitute of those attainments which qualified them for the office of religious instructors. A comparison of the ejected presbyterians with the sequestered episcopal clergy, not only in numbers but in character, has been resented warmly; but the comparison, even if it were unfair, is not unprovoked. While the two thousand sufferers

* Life of P. Henry, by M. Henry.

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on St. Bartholomew's day have been celebrated as a noble army of martyrs, of which ecclesiastical history furnishes no parallel; while the day itself has been marked as "one of the saddest days to England since the death of Edward the Sixth; the character of the episcopal clergy has been depreciated by audacious falsehood and disingenuous insinuation.

Without retorting any of these accusations, let it be observed, in a better spirit, that the most eminent of the presbyterians in the records of science and literature ultimately were induced to embrace the communion of the church, and that the names of the ejected ministers are unknown, except in the memorials of nonconformity. Wilkins, Ward, and Cudworth, who had acquiesced in the presbyterian discipline, either through interest or principle, hesitated not a moment in throwing off its yoke. Of those, whose adherence to the presbyterian cause was sufficiently firm to make them appear in its defence at the Savoy Conference, the most distinguished for theological erudition and for philosophy, were Lightfoot, Wallis, and Conant, and those three were brought to conformity. Lightfoot not only retained his mastership of Catherine-hall, in Cambridge, but was promoted to a prebend in the church of Ely; Wallis continued in his Savilian professorship at Oxford; and Conant, though ejected from his academical stations, was preferred in the cathedrals of Norwich and Worcester*.

* He was archdeacon of Norwich, and prebendary of Worcester. He married the daughter of bishop Reynolds.

To compensate the ejected presbyterians for the loss of their benefices, there were many alleviations. One of these granted to the sequestered episcopalians has been magnified as an instance of generosity in the ruling powers, and this was an allowance of the fifth part of the revenues of the benefice. Such a measure of equity, it is said, was not awarded to the presbyterians. But the circumstance is forgotten or suppressed, that a discretionary power was vested in the king and council, of making an allowance to those ejected ministers whose circumstances demanded commiseration; and the allowance of the fifth part of his benefice to the sequestered episcopalian was also subject to the discretion of a parliamentary committee. Whether the king and council, or a committee of presbyterians, was most likely to exercise this discretion with humanity and moderation, is a question which it is more invidious than difficult to resolve.

But the ejected presbyterians found an alleviation more effectual than any legislative provision could have afforded, in the lenity and charity of the bishops and governors of the church. Some instances of this disposition are recorded, some being inscribed only on the perishable tablet of human memory, are had "in everlasting remembrance," though forgotten by men. They used every mode of persuasion and argument to reconcile the nonconformists, and often exposed themselves to difficulties and legal penalties, to screen or free them from fines and imprisonment. Of Sanderson it has been related, even by a non-

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conformist*, that he patiently heard, and as patiently obviated the scruples of his weaker brethren, and candidly acknowledged that the penalties were more severe than agreed with his wishes or his judgment. Of Gunning, whose hostility to all sectaries was active, it is related, that he proved a kind friend and generous benefactor to his ejected predecessor† in the theological chair of Cambridge, by assigning to him a portion of the revenues of the professorship.

In concluding this chapter, which has insensibly deviated from narrative into a vindication not of the Act of Uniformity but of the church, one observation of great weight must be repeated, for the sake of impressing it deeply on the mind of the reader. The Act of Uniformity emanated not from the king, nor from the bishops, nor from the nobility; but its merits or its defects, its justice or its rigour, and the pure or sinister motives from which it originated, are to be imputed principally to the HOUSE OF COMMONS.

* Calamy's Hist. of his own Life, vol. ii. p. 111.

† Dr. Tuckney.

CHAPTER V.

Episcopacy restored in Scotland.—Sharp, Archbishop of St. Andrew's.—Resistance of the Presbyterians.—Abjuration of the Covenant prescribed.—Ministers ejected.—The Protestant Episcopal Establishment again introduced into Ireland.—Duke of Ormond.—Bramhall.—Jeremy Taylor.

THE establishment of the English church on the basis of the Act of Uniformity, is an epoch which admits a convenient pause, and a digression to the ecclesiastical history of Scotland and Ireland. A. D.

Charles possessed an hereditary hatred of a Scottish presbytery, and this had been heightened into personal disgust; yet either through despair of success, or indifference to the cause, he embraced the design of restoring episcopacy in his native kingdom with visible coldness. The earl of Clarendon, however, promoted the measure with his usual ardour and perseverance; and the duke of Ormond declared that it would be fruitless to attempt the reduction of Ireland from popery to a protestant episcopacy, if presbyterianism continued to be the national religion of Scotland. The earl of Middleton assured the king that episcopacy was desired by the larger and more honest portion of the Scottish nation, and that even the synods, though they dared not to express their wishes, secretly entertained them. On the other hand, the earl of Lauderdale and his friends assured the king that the national

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prejudices against episcopacy were inveterate and invincible; that the zeal of its favourers was simulated or sinister, the hostility of its opponents undisguised, and founded on conviction. He knew that, by attempting its establishment, the king would lose the affection of the nation, and that its support must embarrass the government.

When the affair was formally discussed in a Scottish council at Whitehall, Lauderdale so far relaxed his opposition as to suggest, not the abandonment, but the delay of the project, till the king should be better satisfied concerning the inclinations of his northern subjects. The result of the debate was, that a communication was made to the privy council in Scotland, intimating the king's intentions of altering the ecclesiastical state, and demanding their advice.

An answer was soon received, which encouraged the king to persevere, and the introductory proceedings of the Scottish parliament confirmed his resolution. Middleton being the king's commissioner, opened the session with a speech magnifying the blessings of the Restoration, enlarging on the affection which the king entertained for his ancient and paternal kingdom, and expressing a hope that the nation would offer a suitable return by a public recognition of the regal prerogatives. The parliament, to shew its compliance, passed an act declaring that all leagues made without the king's consent were unlawful; and they rescinded all parliamentary acts made during the late troubles. They also passed an act empowering the king to settle the constitution of the church according to his pleasure.

The designs of Middleton were powerfully aided by Sharp, a Scottish divine, who had always been regarded by the presbyterians as the devoted friend and undaunted champion of their cause. He undertook a mission to England avowedly for the purpose of supporting the presbyterian interest with the king, but he was prevailed on by Middleton to abandon and betray it. Taking advantage of the powers granted to the king by the Scottish parliament, a royal letter by the advice of Middleton was issued to the Scottish council, reciting the evils which had attended the presbyterian form of ecclesiastical government during the last twenty-three years, and setting forth its incongruity with a monarchy. It announced a fixed resolution of interposing the regal authority for restoring the Scottish church to its ancient government under bishops, and for bringing it to a uniformity with the church of England.

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When this resolution had been taken, it remained to consider the most prudent methods of carrying it into execution. Sheldon, and the other English bishops of similar principles, had an aversion to all the Scottish clergy who had taken the Covenant, and proposed that the episcopal clergy, who had been driven out of Scotland at the commencement of the civil war, should be sought out and preferred. There remained but one of the old bishops in existence, Sydserfe, bishop of Galloway, and he confidently expected to be advanced to the Scottish primacy. But his abilities were mean, and his morality was exceptionable. Sharp, therefore, was enabled to

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infuse his opinions into the English administration, and he persuaded Clarendon that a set of bishops of moderate principles would be acceptable to the Scottish nation. Of these moderate men he persuaded Clarendon that he was one; and he was nominated archbishop of St. Andrew's, and consequently primate of Scotland. To him was entrusted, on account of his local knowledge, the delicate and difficult office of selecting a sufficient number of divines to supply the vacant sees.

To a man whose tergiversation must have rendered him unpopular to the liberal, and odious to the rigid presbyterians, the execution of such a task required no small knowledge of human nature. Some reason it was necessary to offer in defence of his shameless desertion of his former opinions, and he was not unprepared with a specious apology. He stated, that when he saw the king fixed on a change, and the probability that men of violent tempers were likely to be advanced, he had submitted to take on himself a post, in which he might soften, though he could not avert, the evils of episcopacy.

Such a defence, however plausible, was indignantly rejected, and he could not persuade his brethren of his disinterestedness, or prevail with the most respectable of the presbyterians to follow the example of conversion. Two men were soon found, for it cannot be said that they were selected, who were willing to accept the episcopal dignity, Hamilton and Fairfont, one of whom has been represented as weak, and the other as vicious. Yet there was a third whom the management of Sharp

forced into a station for which he was disqualified by nature, as well as disinclined by disposition. A. D.
1661. Such were the peculiarities of Leighton that they deserve a minute survey. His character cannot be presented in a more attractive view, than as it has been already drawn by one who knew and admired him, and who, in portraying the friend of his own early years, has deviated from his wonted coldness of commendation.

The father of Leighton had been guilty of a similar offence, and had incurred a similar punishment with Pryune, Burton, and Bastwick*; and he was a man whose fierce and intractable temper renders his sufferings almost unpitied. His son Robert had imbibed all the paternal aversion from the constitution of the English church; and an early education in his native country, with a subsequent residence in France, had strengthened this hereditary antipathy. When arrived at early maturity, he settled in Scotland, received presbyterian ordination, and was presented to a benefice near Edinburgh. But he quickly broke through the prejudices of his birth and education; he saw and lamented the failings of the presbyterians; he saw their contracted minds, and their sour tempers. The Covenant was in itself distasteful to him, and it was rendered more so from the tyranny with which it was imposed. Thus he withdrew himself gradually from all concern in the public business of the Scottish kirk, and lived in retirement, quietly fulfilling his pastoral duties. And at last having entered into a correspondence

* He was the author of a tract, entitled, "Zion's Plea against the Prelates."

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V.

with many of the episcopalian clergy, he abandoned the presbyterians altogether, and resigned his cure. The reputation which he had gained for sanctity and learning in his state of seclusion, occasioned his advancement to a station of high responsibility; the patronage of the mastership of the college of Edinburgh being vested in the municipal authorities of the city, he was prevailed on to accept the office, as being not ecclesiastical, but purely academical. In this honourable post he remained ten years, with equal credit and advantage. His style of preaching was peculiarly impressive, and better adapted to a select audience of liberal and educated youth, than to a rustic or a mixed congregation.

Leighton had a brother who bore a striking resemblance to him as well in personal appearance as in mental endowments, but was totally unlike in regard of purity of heart and strictness of life. He professed himself a papist, but his conversion was for the purpose of advancement at court, and he became secretary to the duke of York. Leighton himself, though reserved in his deportment, was liberal in his sentiments; he loved to mingle promiscuously with mankind, and to see men as they were actuated by the varieties of religious opinion. Often during his academical vacations, he came to London, where he vigilantly observed the habits of the sectaries in Cromwell's court; sometimes he extended his migrations to Flanders, in order to become acquainted with the several orders in the church of Rome. There he conversed with the Jansenists, and there he found a congeniality of temper. Probably

their speculative notions of the extent and influence of Divine grace inclined him to admire their manners, and he believed that they resembled the simplicity and purity of the primitive ages of Christianity.

A.D.
1661.

From Leighton's love of monastic discipline, from his ascetic habits, and from his celibacy, his brother fancied that he would not refuse a Scottish bishopric, and in his promotion he had a prospect of his own aggrandizement. Under this impression, Leighton was introduced to lord Aubigny, who was also a papist, and through this channel was recommended to the king. He was represented as not unfriendly to the church of Rome, and as endowed with qualities both of the understanding and the heart, which would confer honour on any communion. Long and severe was the struggle, but Leighton was at last overcome. He was nominated to preside over the diocese of Dunblane, a see of small revenue and jurisdiction in itself, but rendered considerable by the annexation of the deanery of the royal chapel. Sheldon, differing widely from Leighton in his opinions on doctrine and discipline, and equally differing from him in manners, was fully sensible of his virtues, and thought that such a man might confer reputation on episcopacy, when introduced among a people whose prejudices against it were almost insurmountable. Sydsferfe was translated to the see of Orkney, one of the richest bishoprics in Scotland, but survived his translation not more than a year.

When the time appointed for the consecration of the Scottish bishops approached, the English

CHAP. V. bishops, finding that Sharp and Leighton had not been episcopally ordained, insisted that before they could be consecrated bishops they must pass through the inferior gradations of deacon and priest. Sharp was more tenacious on this point than Leighton, and reminded the objectors that when the Scottish bishops were consecrated by order of James, their reordination was not required. Leighton without hesitation acquiesced; though he did not think presbyterian ordination invalid, yet he thought that every church had a power of making its own regulations in matters of discipline, and, consequently, that the reordination of a priest ordained in another church, imported nothing more than an acknowledgment that he was publicly adopted by the new community. He did not think that the solemnity implied the invalidity of any former commission. Thus, as Leighton had no scruples to satisfy, and as the scruples of Sharp were soon overcome, these two divines were privately admitted to the orders of deacon and priest; and the four prelates, Sharp, Leighton, Hamilton, and Fairfont, were consecrated publicly in Westminster-abbey.

Dec. 15. While the establishment of episcopacy was yet in suspense, the Scottish clergy inveighed against it with great boldness; and Guthrie, the presbyterian minister of Stirling, was convicted of treason, and suffered death for calumnies in his sermons against the apostasy of the king. As soon as the consecration of the Scottish bishops had taken place, the presbyteries, which were still sitting, began to declare openly against episcopacy, and to prepare protestations against any

June 14.

change in the ecclesiastical government. To suppress opposition, Sharp moved in council that a proclamation might be issued, prohibiting the synods from meeting, till the bishops had settled the mode of proceeding in these assemblies. A general, yet a conditional obedience was shewn to this proclamation; the presbyteries met once only after its promulgation, and at this meeting entered a protestation against it as an invasion of the liberties of the church, and declared that the obedience shewn to it was only for the sake of peace, and only temporary.

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1662.

The four bishops pursued their journey from London into Scotland together, but Leighton, unwilling to participate in the triumphant reception with which the nobility and magistracy intended to welcome them, came privately into Edinburgh a few days before the rest of his brethren. Their public entry was marked by pomp and ostentation, which contributed to increase the general discontent.

Six other bishops were soon consecrated, but the see of Edinburgh was for a long time kept vacant, and at length was bestowed on Wishart, the chaplain of the duke of Montrose. In the approaching session of parliament the bishops took their places in the house, in consequence of a formal invitation from the other estates of the kingdom. Leighton did not appear at this time, nor did he afterwards come, unless the urgent affairs of the church demanded his presence.

The whole government and jurisdiction of the church was vested in the bishops by decree of parliament, though they were to act with the

CHAP. advice and assistance of their clergy; ecclesiastical
V. _____ judicatories were to be only auxiliary to the episcopal authority. All the bishops, except Sharp, disclaimed any share in the formation of this act, and none of them carried their authority to the extent which it warranted. But its enactment was a sufficient cause for clamour, and this clamour was heightened when the clergy were required to take the oaths of allegiance and supremacy. The oath was not absolutely refused, but the clergy petitioned that an explanation might be authoritatively given of the meaning conveyed by the term supremacy. Leighton, who appeared on this occasion in parliament for the first time, earnestly pressed compliance with the petition; but Middleton and Sharp succeeded in carrying its rejection.

Not satisfied with the oath of allegiance, the parliament prescribed an abjuration of the Covenant, an oath which was considered by the presbyterians as little less than open apostasy from God, and a renunciation of their baptismal vows. But the grand measure which completed the ruin of the presbyterian interest was the enforcement of an act, passed soon after the Restoration, altering the right of ecclesiastical patronage. During the Usurpation the appointment to benefices was elective, and the incumbents were admitted by the authority of the church session and the lay elders; but by this act all incumbents so admitted were declared to be unlawful possessors, and, unless they consented to take presentations from the lawful patrons, who were obliged to give these instruments, their churches were declared

void. The law was suspended long after the time prescribed for compliance had expired; but Middleton urged its execution. The conduct of the presbyterian clergy on this occasion disappointed those who had advised, and those who were friendly to the enforcement of the law, and the clergy were deceived in the consequences resulting from a refusal to obey it. Like their brethren in England, they calculated, that if a large body were ejected at the same time, the government would be compelled to reinstate them, rather than to leave the parishes without spiritual pastors. They also apprehended that the bishops would proceed in the process of ejectment slowly and singly, according as they were able to provide successors in the vacant benefices. In both these expectations they were defeated. Above two hundred churches were shut up in one day, in consequence of the contumacious disobedience of the incumbents to the act of patronage, and above two hundred and fifty other ministers were ejected for disobedience to episcopal authority.

The deprivation of so many pastors, whose fidelity in the discharge of their office was exemplary, excited a far stronger sensation in Scotland than was occasioned in England by the operation of the Act of Uniformity. The prudent and steady courage of Sheldon, in pleading for the execution of the laws, commanded the respect of the king, and silenced the objections even of the nonconformists. The capricious and ungoverned violence of Sharp, the betrayer and the persecutor of the presbyterians, almost transferred the hatred of the law against the person of its exe-

A. D.
1662.

April.

CHAP. V. tutor. The successors of the ejected presbyterians were not endowed with those qualities which could reconcile the people to the loss of their former teachers. Many of the episcopal clergy were deficient in knowledge, relaxed in their morals, and negligent in their duties; and they were incapable of supporting their pastoral authority; their legal rights they were obliged to defend by the assistance of the civil power. Those who were above contempt or scandal, were not above hatred.

Such was the inauspicious commencement of the restoration of episcopacy in Scotland, a commencement, the necessary result of the imprudence with which the project was formed, and of the injustice with which it was conducted; a commencement which strikingly harmonized with the sequel.

In Ireland, the hierarchy was restored at the same time, but the design was undertaken in a different spirit, and its accomplishment was attended with different effects. The stern genius of presbyterianism, exercising its sway over the naturally sober temperament of the Scottish people, had formed a race of men capable of the most heroic actions, and had inspired a spirit in which patience and intrepidity were combined. But the repulsive tenets of Calvinism were entirely repugnant to the Hibernian character. Presbyterianism was an exotic which never flourished in the soil, and could be kept alive only by forced and artificial culture. If ever it was engrafted on a native stock, its growth was stunted, and its fruit was bitter. The frantic and turbulent ac-

tions of an Irish presbyterian, were far more dangerous than his native superstitions, whether pagan or popish.

A. D.
1660.

The protestant episcopal clergy had been entirely swept away, and in their room succeeded a set of zealous covenanters or furious independents. These had maintained their ground under the system of confiscation practised under the military despotism of Cromwell.

Unpromising as such a posture of affairs appeared for the reestablishment of a protestant episcopacy, and the Book of Common Prayer, the arduous undertaking was achieved by the wisdom and firmness of the duke of Ormond. The king, in his Declaration from Breda, had promised to confirm the settlement of Ireland, but a great debate arose concerning the nature of this settlement. The native Irish, who were papists, had made a treaty with Ormond, acting in the king's name, by which they were to enjoy the open exercise of their religion, to have a free admission into all employments, and a free parliament. But this treaty was violated on the part of the Irish, and Cromwell had reduced the country under an absolute subjection. When, therefore, the articles of this treaty were demanded to be the basis of the Irish settlement, the demand was refused by Ormond. It was his aim that the church of Ireland should be protestant, not popish; episcopal, and not presbyterian.

No man who possessed inferior qualifications to Ormond would have been willing or able to embark on such a sea of troubles, but Ormond

CHAP. V. was an extraordinary man. He was the most perfect character of his age, an age prolific of talent. He combined the soldier and the statesman, a union rarely to be found; and he possessed the generosity of a cavalier undebased by profligacy. Though a warm friend, he was a placable enemy, and never wilfully incurred the enmity of others; his foes were offended by his virtues. His exploits in defence of monarchy had been equalled only by his sufferings; and his military achievements in Ireland during the last reign were exceeded only by his civil administration of this kingdom in the present*.

The dissolute and unprincipled Middleton, in attempting the subversion of the Scottish kirk, found a fit auxiliary in the ambition and treachery of Sharp. The moral and accomplished Ormond, selected with his usual discrimination an ecclesiastic worthy of his friendship in Bramhall. In the preceding reign Bramhall had been bishop of Derry, but after being exposed to many dangers, he was compelled to leave Ireland. His safety was at hazard in a foreign land, for he had exasperated the papists by his superiority in disputation; and his writings against Hobbes, and the Manichean doctrine of fatal necessity, had embroiled him with the Calvinists†. The first step of Ormond, in restoring the Irish church, was to raise Bramhall to the primacy. The bishopric of Derry he owed to the friendship of Strafford, the archbishopric of Armagh to the

* Carte's Life of the duke of Ormond.

† Bp. Taylor's sermon at the funeral of the lord primate. Works, vol. vi. 8vo.

A. D.
1661.

favour of Ormond; and the patronage of two men like these will for ever mark the merit of Bramhall. Already was he distinguished in metaphysical research; he now displayed his dexterity in practical business. On his return to Ireland he found the revenues of the church miserably wasted, and procured several acts of parliament to prevent their future alienation; and he did more than this, for he regained many lost or disputed rights. But his attention and his services were of a higher order than those of a man of secular business. Though a decided episcopalian, and of the Arminian school, he was liberal towards those who differed from him in doctrine or discipline, and made a distinction between articles of faith and articles of peace. In his attempts to bring the presbyterian clergy to conformity, he adopted a plan of conciliation which was peculiarly successful. Although he insisted on the reordination of all who had not been episcopally ordained, yet, in their letters of orders he inserted a softening clause, not annihilating any former orders of the candidate, nor asserting their validity, but only supplying what was wanted according to the canons of the church of England.

A worthy coadjutor of Bramhall, though of different talents, was found in Jeremy Taylor. He united the powers of invention, memory, and judgment, in a large though not in an equal measure. His judgment was the weakest of these mental qualities, and was sometimes borne down by the resistless force of his imagination; but his invention and memory struggled for the mastery.

CHAP. His reading was various, or rather universal; but
V.
it is difficult to say whether his writings are indebted more to his erudition or to the richness and vivacity of his fancy. His character has been beautifully delineated by his friend and successor, and though some of its parts have been too highly coloured by the hand of partial fondness, yet there is one sentence which exceeds not the soberness of historical portraiture. "He had devotion enough for a cloister, learning enough for an university, and wit enough for a college of virtuosi*."

No divine could plead higher merit or greater sufferings with the restored government than Taylor. He had refused all compliance with the factious and fanatical party in the zenith of its power; he had been the object of more than common suspicion and severity; while the blamelessness of his life, and the order of his piety, were acknowledged by all. Yet for the sake of his personal safety, his friends had sacrificed the pleasure and instruction of his society, and had found an asylum for his virtues, though not a theatre for his talents, in the north-eastern extremity of Ireland. In this obscurity he was sought out by the sagacious vigilance of Ormond, and soon after the king's return was nominated bishop of Down and Connor.

At the commencement of the succeeding year, two archbishops and ten bishops, in the number of which was Taylor, were consecrated in the cathedral of St. Patrick with great pomp and

* Funeral sermon by Geo. Rust, D. D. bishop of Dromore.

loud exultation of the royalists*. Taylor on this occasion delivered the sermon, and honour, as well as preferment, awaited him. He was appointed a member of the Irish privy council, was entrusted with the administration of the diocese of Dromore, and was elected, by the recommendation of Ormond, vice-chancellor of the university of Dublin.

A. D.
1661.

This was a field for all his abilities and all his industry. In his diocese he was singularly active, and employed unwearied labour in the conversion of the presbyterians, and the civilization of the papists. In his academical dignity he was equally useful; he undertook the task of methodizing and completing the body of statutes which had been left unfinished by Bedell; in arranging a course of lectures and disputations; and in defining and confirming the privileges of the university. The basis of the distinguished reputation which Trinity college has maintained was laid by Taylor †.

Under the guidance of Bramhall and Taylor, the protestant church of Ireland was reestablished; and the parliament of Ireland passed a legal declaration of their high esteem of episcopal government, and of the Book of Common Prayer according to the use of the church of England ‡. Thus the ancient constitution in church as well as state was restored in the three kingdoms of the British empire.

May 17.

* Kennet's Chron. pp. 440, 441.

† Carte's Life of the Duke of Ormond, vol. ii. p. 208.

‡ Kennet's Chron. p. 449.

CHAPTER VI.

Proposed Suspension of Penal Laws against Nonconformists objected to by the House of Commons.—Act passed for the Suppression of Conventicles.—Taxation of the Church.—Convocation of the Clergy deprived of its power.—Five-mile Act.—Fire of London.—Fall and Banishment of Clarendon.

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THE ascendancy of Clarendon in the councils of Charles appears to have been at its height when the Act of Uniformity was passed, and from that period to have sensibly declined. Not more than four months had elapsed from the time when it came into operation, when the king evinced an inclination, if not to suspend its penalties, yet to relax their severity. This was a policy diametrically opposite to the advice of Clarendon.

The nonconformists finding that their interest in the house of commons was too weak to prevent the enactment, or avert the execution of the penal laws, contemplated an emigration into Holland, the mart of commerce, or into New England, the refuge of sectarianism. Ostensibly to prevent this measure from being carried into effect, the earl of Bristol, and the papists under his influence, laid down a maxim to which they almost invariably adhered during this and the succeeding reign. This maxim was no less than a suspension of all penalties on account of religion, by regal prerogative, thereby virtually annulling the acts of the legislature. Through this principle, incul-

cated in the council, and pressed on the king, they prosecuted their aim of procuring a general toleration, that the members of the church of Rome might enjoy the same indulgence which was granted to other dissenters from the national church.

A. D.
1663.

Whether from a love of arbitrary power, or from an attachment to the church of Rome, this maxim of suspending the penal laws was grateful to Charles. His attachment to the Romish church was no doubt increased by his late marriage with the Infanta of Portugal, not from his love of his queen, but from the influence of a catholic alliance. The queen-mother held a splendid court at Somerset-house, and had her emissaries and friends in the cabinet.

A declaration was issued, purporting to be with the advice of the privy council, but in reality framed without the knowledge of Clarendon or Sheldon. In this manifesto Charles recited the words in his Declaration from Breda, respecting liberty of conscience, and added, that his promise was still deeply impressed on his memory, and that he was fixed in his resolution of fulfilling it. He held forth the hope that, without invading the privileges of parliament, he might incline the legislature in the following session to concur in some provision for the relief of tender consciences, and of tempering the severity of the laws, so as to render every religious denomination of his subjects easy under them.

Feb. 23.

In correspondence with the language of the Declaration, the king, in his speech at the opening of the parliamentary session, recommended an

Feb. 18.

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abatement of the penal laws. While he professed himself an enemy to religious intolerance, he was careful to guard against any inference of his inclination to popery. He acknowledged that many individuals of the Romish faith, who had served both his father and himself with fidelity, might justly claim a share in that indulgence which he would willingly afford to other dissenters ; but it was not his intention that they should hold any place under his government. He would not yield even to the bishops themselves in his zeal for the protestant religion, and in his approbation of the Act of Uniformity ; but if the dissenters exhibited a peaceable and modest demeanour, he could heartily wish to possess such a power of indulgence, as that they might not be found out of the kingdom, or be induced to conspire against its peace.

This was the first open attempt, though it was made indirectly and timidly, to assert a dispensing power in the crown. The king did not propose a legal toleration, but expressed that he might have a power of indulgence, which he might use or recall according to his discretion. His design was thus understood, and his language was thus construed by the house of commons. They passed a vote of thanks to the king for the determination expressed by him to maintain the Act of Uniformity ; but at the same time they voted some declaratory resolutions against granting any indulgence to dissenters. An address was then drawn up and presented*, stating the

Feb. 27.

* The report of the committee was made to the house by sir Heneage Finch, the solicitor-general.

following reasons against the proposed relaxation of the Act of Uniformity. 1. That it would establish schism by a law, and make the censures of the church of no consideration. 2. That it is unbecoming the wisdom of parliament to pass a law in one session for uniformity, and in another session to pass a law to frustrate or weaken its former act, the reasons for its continuance remaining the same. 3. That it will expose the king to the restless importunity of every sect, which shall dissent from the established church. 4. That it will increase sectaries, which will weaken the protestant profession, and that in time some prevalent sect may contend for an establishment which will end in popery. 5. That it is unprecedented, and may take away the means of convicting recusants. 6. That the indulgence proposed will not tend to the peace, but to the disturbance of the kingdom, and that the best way to produce a settled peace is to press vigorously the Act of Uniformity.

A. D.
1663.

Not contented with this address, which it might be thought was too plain a manifestation of their sentiments to be misunderstood, they presented another, praying the king to put in execution the laws against the papists. The papists had two maxims from which they never departed; the one, to divide the protestants, the other to preserve union among themselves. The friends of the church of England, though not willing to preserve uniformity at the expense of truth, heartily adopted the first maxim in its spirit, and laboured earnestly to promote division among the regulars and seculars of the Romish church. A

March 31.

CHAP.
VI.

proposition was made and supported at this time by Clarendon and his friends, that none but the seculars should be tolerated in England, who should be placed under the superintendence of a bishop; and that all the regulars, especially the Jesuits, should be commanded, under the severest penalties, to leave the kingdom.

The address against indulgence to the dissenters being accompanied by the necessary subsidies, drew from the king a gracious reply. He condescended to explain, and to assure the house that his views had been misunderstood; he farther expressed his happiness in having a house of commons possessed of so much wisdom and loyalty. The address for the execution of the penal laws against the papists, elicited a proclamation which was little regarded. It neither intimidated the papists, nor satisfied the protestants. To increase the alarm of the latter, a charge against the earl of Clarendon was preferred by the earl of Bristol in the house of lords, and though the menaced impeachment was for a time abandoned, yet the attempt was justly considered as a proof that Clarendon had declined in the regard of his master, and that it was a prelude to his ruin. It was also a decisive evidence of the growing strength of the Romish party.

July 27. The summer being far advanced, the parliament and the convocation were prorogued, and shortly before their prorogation the venerable
June 4. Juxon died. Sheldon had been designated for the primacy of the church when the advisers of the king were cordially attached to her interests, and even at this crisis no competitor for the

dignity offered himself. After sufficient time had elapsed for perfecting the legal instruments, he was enthroned archbishop of Canterbury.

A. D.
1663.

August 31.

Some of the ejected presbyterians, who were not so scrupulous as their brethren, resolved to comply with the laws as far as they conscientiously could, and made a distinction between lay and ministerial conformity. They attended their parish churches, before or after the exercise of their ministrations in private houses, and received the Communion from the hands of the established clergy. Here was the rise of occasional conformity, but it met with little encouragement, and was no security against the severity of the penal laws.

The king having encouraged his subjects to expect a general toleration, a design was formed by some of the nonconformists to draw up a general petition. The independents went heartily into the design, but the presbyterians, either through sullenness or despair, refused concurrence*. The refusal only stimulated the government to fresh manifestations of severity against all the nonconformists; and some conspiracies which were at this time detected, excused, if they did not justify, new penal laws. An act was passed for the suppression of seditious conventicles†, which not only confirmed the severe law of Elizabeth, inflicting banishment, and in case of return, death on all recusants; but restricted all meetings of five or more persons under colour or pretence of religious exercises, under the same penalties.

1661.
March.

* Life of Baxter, part ii. p. 430.

† Stat. 16 Car. II. c. 4.

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It is to be lamented that a greater zeal was at this time shewn in punishing nonconformity, than in providing for the stability of the church. A plan had been submitted in the preceding session for the competent endowment of small benefices, but the difficulties of carrying it into execution occasioned its rejection. The convocation which had reviewed the Book of Common Prayer, was employed in revising the canons and constitutions of the church, and in framing articles of episcopal visitation; but after some progress had been made, a prorogation hindered its completion.

An intermission of business by the convocation was occasioned by an alteration which now took place in the mode of taxing the clergy. In the session of the preceding year, the crown having incurred a large debt, four subsidies were granted by the parliament*, and the same number were voted by the convocation†; an impost which was as heavy on the clergy as it was light on the temporality. The subsidies of the laity were so easily evaded, and were altogether so unproductive, that the administration resolved to abandon a mode of taxation so unproductive, and in future to raise supplies by levying an assessment‡. The subsidies of the clergy, though in their amount inconsiderable, were insupportably grievous, as well from its excessive disproportion to the nature and value of ecclesiastical property, as from the unequal rate by which this property

* Stat. 15 Car. II. c. 9.

† Ibid. c. 10.

‡ The subsidies were levied on all personals, at 2s. 8d. in the pound on all the king's subjects, and of 5s. 4d. in the pound from all papists, recusants, and aliens.

was estimated. Instead, therefore, of making a more equitable rate, or of diminishing the ratio of taxation, an entire revolution was made in raising contributions on the church for the supply of the exigencies of the state. This change was attended with such important, though unexpected consequences, that it requires to be set forth before the reader.

A. D.
1664.

When Christianity was first planted in England, the church was endowed with large revenues, and the clergy were exempted in a great measure from contributing to the wants of the crown, by the tenure of their lands. In the Saxon reigns they were charged with pontage*, murage, and expedition, till William the Conqueror altered the tenure of the bishops and religious houses, by placing them under knights' service. Yet as this alteration did not affect the smaller benefices, the greater part of the clergy was exempt from public charges. An exemption so invidious was liable to be infringed, and various projects were adopted to oblige spiritual persons to share in the public burdens. Sometimes the popes taxed the church for the king's use, and sometimes, if the necessity were urgent, the bishops enjoined the clergy to grant a subsidy by way of benevolence, taking at the same time the precaution of demanding from the crown a security, that the aid voluntarily offered should not be construed into a precedent.

Thus the matter rested till the reign of Ed-

* This was one of the three public charges from which no person whatever was exempted; viz. from the charge of expedition to the wars, from building castles, and from building and repairing bridges. They were called *trinoda necessitas*.

CHAP.
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ward the First, when that prince devised a plan for raising legal contributions from the clergy, by inducing them to tax themselves in their own convocations. When he issued his customary writs, summoning the bishops to parliament, he inserted in these writs a new clause*, requiring the bishop to notify the summons to the dean and chapter of his cathedral church, to the archdeacons, and to all the clergy of his diocese. Together with this notice, the bishop was required to cite the prior or dean, and the archdeacons in person; to cite the chapters either cathedral or collegiate, to appear by one proxy; and to cite the clergy of his diocese to appear by two proxies. These were to be present with him, to do, and to consent to those acts which were to be ordained by their common advice and deliberation.

Whether the inferior clergy sat in the same house with the temporal commons; whether they appeared in a spiritual as well as a temporal capacity; and whether the custom of the spirituality and temporality meeting in the same house, was continued until the reign of Henry the Sixth, are questions which it is not necessary to discuss in this place, only because they will be the subject of a future discussion. One point is certain, that by the authority of, and in obedience to, the citation of their respective diocesans, the clergy sent their proxies to convocation, and regularly granted subsidies to the crown. The proportion which each individual was required to pay was assessed by ecclesiastical commissioners, and the amount was

* Called the *præmunientes* clause.

levied by a mode of their appointment. In case of non-payment, the censures of the church were applied, and the bishops had prisons to compel refractory defaulters. It may be reasonably concluded, that the bishops were invested with a power of sequestering the benefices of such incumbents as refused payment, and such as were otherwise unable to pay.

A. D.
1664.

But at the time of the Reformation, when ecclesiastical censures had lost much of their efficacy and even of their terror, a new mode of compelling payment was devised. The subsidies of the convocation were confirmed by parliament, and thus payment might be enforced by temporal remedies, one of which was by distraining ecclesiastical property.

Since the time of Henry the Eighth, the assemblies of the clergy had been convened by a double authority, and for a twofold purpose. In the first place they met under the authority of a provincial writ from the archbishop generally, in consequence of a royal mandate, for the transaction of ecclesiastical business; and in the second place, under the authority, and by virtue of a clause in the writ of their respective bishops, for the grant of subsidies to the crown. But as these two writs were commonly issued at the same time, the authority by which they met, and the purposes for which they were convoked, were confounded.

The complete revolution in the church and monarchy, which took place in the reign of the first Charles, occasioned the suspension of all ecclesiastical privileges. The religious teachers who became possessed of the benefices of the ejected

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clergy, either from a conviction of its preference, or from the affectation of popularity, or because there were no legally constituted assemblies of the clergy, were taxed in the same manner as the laity.

When the monarchy was restored, the church, with its ancient rights and immunities, was restored with it, and the clergy exercised their former privilege of granting subsidies in convocation. Their pressure was heavy, and the inequality of the rate was a grievance which had been made one of the subjects of a petition*. Yet no request was offered, and no idea was entertained that the clergy should relinquish their ancient custom of taxing themselves.

But the leading men of the hierarchy viewed the subject differently, and seemed to think that this power of self-taxation was a burden instead of a privilege. They were aware that the crown received larger subsidies, in proportion to their property, from the clergy, than from any other class of its subjects†; that the liberality of the clergy had encouraged the expectation that they would contribute more; and that discontent would follow if their future subsidies did not exceed a reasonable proportion‡. Since, therefore, the go-

* Petition of the inferior clergy presented in 1662. It consisted of six articles. The fourth was; "That you would be pleased to consider of some more equal manner of rating subsidies upon the clergy, the present measure thereof bearing no proportion to the rest of his majesty's subjects." Wilkins's *Concilia*, vol. iv. p. 580.

† During the recess in 1661 the king received a free gift from the clergy of 33,743*l*.

‡ The valuation of the benefices was according to the Liber

vernment was about to change its mode of raising supplies from the laity, they thought it expedient to wave their ancient right, and to be included in the money bills of the parliament.

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1664.

Sheldon, with some other prelates, held a private consultation with the lord chancellor Clarendon and the lord treasurer Southampton, in which it was agreed, that the privilege should be silently relinquished rather than formally ceded. There was no doubt of the passive concurrence of the clergy, though there might be a doubt of their express assent. Two inducements inevitably precluded immediate dissatisfaction; a present boon of remitting two of the four subsidies granted in the preceding session; and a future promise, that the next money bill should contain a clause, saving the general rights of convocation, and recognising its power to resume its former privilege. That the privilege was in existence, and that it was not supposed to be formally ceded, is evident from the declaration of the commons, in a conference between the two houses, which took place a few years after, concerning the right of the lords to alter money bills. The conference on the part of the commons was managed by Finch the attorney-general, and the right of convocation was stated in the following terms: "The clergy have a right

Regis of Henry the Eighth. As the tenth of this valuation was annually paid to the crown, the subsidy was levied on nine tenths only. It was not levied on the year of admission when the first-fruits were paid. It was at the rate of 4s. in the pound. The archbishops and bishops were the collectors and were allowed 6*d.* in the pound. The amount of one subsidy was about 20,000*l.*

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to tax themselves, and it is a part of the privilege of their estate. Do the upper convocation house ever alter what the lower house grant, or do the lords and commons ever abate any part of their gift? Yet they have power to reject the whole. But if abatement were made, it would insensibly go to a rising, and deprive the clergy of their ancient right of taxing themselves." The reply of the lords, while it opposed the main argument of the commons, fully admitted that the parliament had not power to alter the subsidies of convocation, and that the parliament only conferred on them a legal force*.

It cannot be called an equivalent, or even the shadow of a compensation, for this deprivation of the liberties of the English clergy, that they have acquired a right tacitly allowed, yet not secured by any law, of voting at elections for the knights of the shire, in which their benefices are situated. If, instead of this right, equally questionable in its legality as doubtful in its propriety, the clergy had enjoyed the right of electing some of their body to represent the ecclesiastical state in the house of commons; if, in short, the spiritual and temporal commons had been reunited as formerly, the resignation of so important a privilege as that of taxing themselves might be more intelligible and more defensible. But while every other estate and class has representatives to state its wants and to defend its interests, the clergy are not only not represented, but misrepresented in the house of commons.

* Conference between the lords and commons in 1671. Journals of the Lords, v. 13.

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1664.

The evil of relinquishing the privilege of granting subsidies by convocation was aggravated by its inevitable and collateral results. The same result took place, as would, and did take place, either if the temporal commons yielded their right of imposing taxes, or if the crown could command a wealthy exchequer without their aid. The legislative body would rarely, if ever, be summoned. Convocation, like parliament, is not a court of judicature, or whenever it has assumed the judicial functions, its unfitness to exercise them has been clearly shewn. It is a court of ecclesiastical legislature, but the integrity of its legislative functions can be preserved only as those of the parliament are preserved, by the enjoyment of the right of granting pecuniary aid to the executive government. The redress of grievances will be the condition of granting supplies. Thus the meetings of convocation for the purposes of deliberating on the affairs of the church, and of making regulations for its discipline, have been suffered to grow into entire disuse. The grievances of the church are unredressed, and the corruptions which unavoidably attach to all human institutions, unless met by preventive or remedial interference, have been permitted to accumulate. Whenever a remedy has been administered, either through its inefficacy, or the unskilfulness of its application, it has frequently aggravated the disease.

One reason for altering the mode of ecclesiastical taxation at this period was the increasing wants of the state, in consequence of an impolitic war with Holland. The grounds of hostility

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were slight, and its object unpopular. War was commenced against a presbyterian and a republican country, and conducted by the duke of York, a papist. The evils of war were also augmented by a domestic calamity of unexampled magnitude. The kingdom was visited by the most destructive plague which had ever happened. It had been preceded by an unusual drought, which destroyed all food for the cattle, and occasioned among them a fatal contagion. This contagion extended at length to the human race. It began in the metropolis, but spread itself among the neighbouring towns and villages, till it had swept away almost one hundred thousand of the population of England.

Under this afflictive visitation of Providence, the English clergy, with a benevolence and a fortitude above all praise, resolved to remain in their stations, and to supply the wretched sufferers with spiritual consolation. Sheldon, the highest in station, was the most forward in these labours of love. His activity at this perilous crisis, in sending circular letters to the bishops of his province, soliciting pecuniary aid, preserved numbers who would have perished, and his conduct will endear his memory to the latest posterity.

To many of the nonconformists the same tribute of praise is due; but others taking possession of the vacant pulpits, converted this calamity to the worst of purposes. They represented the plague as a just judgment of Heaven on the iniquities of the nation; and those iniquities consisted in the profligacy of the court, and in silencing the presbyterians. It was also notorious that the presby-

terians, as well as the republicans, actively promoted the cause of the Dutch in the war now raging; and some of the latter party suggested an invasion of England and Scotland.

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This conduct was reported to the court, which had removed first to Salisbury, and then to Oxford; and in a session of parliament which was held there, it was brought before the legislature. Clarendon, in his harangue to the house, inveighed against the whole body of the presbyterians, accusing them of being in confederacy with foreign enemies and domestic traitors. "Their countenances," he said, "are more erect and insolent since the beginning of the war than before; they were ready, if any misfortune had befallen the king's fleet, to have brought the war into our fields and houses. The horrid murderers of our late royal master have been received into the most sacred councils in Holland, and other infamous persons of our own nation are admitted to a share in the conduct of their affairs, with liberal pensions*." Whatever may be thought of the intemperance of this language, it must be concluded, that plots were at this time forming against the government, and that these plots were at least encouraged by the presbyterians. But the evidence of defeated plots is always disputable, while the laws which are enacted to prevent or punish them are recorded, and these laws remain when the plots and their authors are sunk into oblivion. It was not therefore an unprovoked and gratuitous display of persecution, though it was a measure of excessive rigour, to introduce a

* Life of Clarendon.

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bill, which, when it had passed through the estates of parliament, was called the FIVE MILE ACT*.

The language which Clarendon had used in his harangue was echoed in the preamble of this bill†. The ejected presbyterians who had refused to subscribe the Act of Uniformity were accused of preaching in unlawful assemblies, and of instilling the poisonous principles of schism and rebellion into the people, to the great danger both of the church and kingdom. To remedy this evil, all nonconformist ministers were required to take that oath of non-resistance, which the clergy had already taken in the Act of Uniformity. The oath declared it unlawful, "under any pretence whatsoever, to take arms against the king," either against his person or against those who were "commissioned by him." It also contained a promise not to endeavour to effect "any change or alteration of government, either in church or state." All who refused this oath were prohibited to come within five miles of any city, corporate town, or borough, or within the same distance of any parish wherein they had formerly officiated.

It must be observed, that this bill was directed against one class of men only, the nonconformist ministers, and that the prescribed oath had been already imposed on all the clergy. Many of the arguments used against it were for this reason irrelevant. In the commons it experienced some opposition. Vaughan, afterwards chief justice of

* Stat. 17 Car. II. c. 2.

† It is remarkable that Clarendon, in his life, takes no notice of the Five Mile Act.

the common pleas, moved that the word "legally" might be inserted before the words "commissioned by the king." Finch, the attorney general, said, that the insertion was needless, since, unless the commission were legal, it was in fact no commission; and to render it legal, it must be issued for a lawful purpose, to lawful persons, and in a legal form.

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But in the house of lords, where the strength of the nonconformists lay, the opposition was vigorous, though not combined. The support was also not given by the administration in concert, for the lord treasurer, Southampton, is reported to have said that he himself could not take the oath; that however strong his attachment to the church might be, yet as affairs were now managed, he did not know that he might not endeavour to effect an alteration. Earle, bishop of Salisbury, formerly sub-preceptor to the king, declared his dissent from the bill, though he was unable to oppose it in his place, and did not live to witness its enactment. On the other hand, the bill was supported by Clarendon, Sheldon, and Ward. The last named prelate had been in early life an ornament of the university of Cambridge, where he had brought mathematical learning into repute, before it was still farther advanced by Barrow and Newton. From Cambridge he was ejected for refusing the Covenant; but submitting to take the Engagement, he held the professorship of astronomy in Oxford. He was afterwards elected president of Trinity college, but at the restoration resigned the headship to its rightful

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possessor. In his opinions he was always inclined to episcopacy and monarchy, and the return of Charles was soon followed by the promotion of Ward to the prelacy. He was an acquisition to the bishops in parliament, for he was not only a close reasoner but an admirable speaker, and in the house of lords was equalled only by the earl of Shaftesbury*.

With such support the bill was carried through the house of lords, and all abatements and qualifications were rejected. When the bill had passed into a law, the nonconforming ministers were reduced to great difficulties. They had no inclination to take the oath, and they scarcely knew how to dispose of themselves without obeying the law. Their friends endeavoured to persuade compliance, by explaining and softening its most offensive terms. It was refused by Baxter, and by Philip Henry, one of whom stated his reasons largely, the other summarily, for the satisfaction of their conscience. Bridgman, chief justice of the common pleas, having explained that the prohibition of unlawful endeavours to change the government was intended, but that this did not preclude controversy. Bates and about twenty others took it, to avoid the imputation of sedition. But the main body of the nonconforming teachers chose rather to forsake their habitations, their relatives and friends, than to submit to the oath. Great numbers were thus buried in obscurity; others who pertinaciously continued to preach

* Life of Seth Ward, by Dr. W. Pope.

were sent to prison, while a few, terrified by the penalties attached to a violation of the law, were brought to a reluctant and insincere conformity.

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While the nation was suffering under the scourge of war, and scarcely after it had recovered from the visitation of pestilence, public calamity was consummated by the fire of London. At the end of the summer a conflagration broke out in the midst of the city, and for three days raged with unabated fury, when on the fourth day it ceased almost as suddenly and as wonderfully as it began.

Though it would be unnecessary and irrelevant to describe the extent of this calamity, yet it is not either, to state the conflicting opinions on its cause. Accident has been seldom if ever assigned, but there has been a general agreement in imputing it to design. At first it was attributed to some emissaries from Holland, and a proposal of this nature had been intimated to the pensionary De Witt, by whom it had been indignantly rejected. Then it was fastened on English republicans, in concert with foreign enemies; and a confession had been made of such a design by some who were executed. At length it was charged on the papists; and surmise having ripened into conviction, and conviction being taken for certainty, the accusation was deliberately inscribed on the MONUMENT*.

* The line of Pope is so trite that it almost requires an apology to quote,

“ Like a tall bully lifts its head and lies.”

The duke of Buckingham, upon a visit from bishop Sprat,

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There is no stronger reason for charging the fire of London on the papists than on the non-conformists. It was prognosticated by religious fanatics of all descriptions, and it was represented as a just judgment of Heaven on a sinful nation. The reflection of a historian is too apposite and too candid to be withholden. "After weighing the circumstances, we can still make no exact determination; but to judge on the charitable, and perhaps probable side, we may say, that the beginning of this dreadful fire was the judgment, and the end of it the mercy of Heaven, for neither of them seem to have been the effects of human means and counsels."

The conduct of the duke of York on this awful occasion, when contrasted with that of the king, confirmed the suspicions of the citizens, and the report of his participation in the plot, for the conflagration of London was disseminated with great industry. It gained the popular credence when the duke avowed his religion, and he was even placed at the head of the conspiracy.

Parliament seemed to have imbibed a considerable portion of the popular spirit, for they petitioned the king to renew his proclamation requiring all popish priests and Jesuits to leave the

told him, "I have been thinking of two proper lines for the Monument:

"Here stand I
I know not why."

The bishop suggested the following couplet to be added:

"But if I fall
Have at you all."

Grey's Examin. of Neal's Hist. v. 4.

kingdom within a month. A committee was appointed to investigate and to receive evidence upon the subject. The papists who were charged with being engaged in the conspiracy fled, except one Hubert, of whom it is doubtful whether he was a papist or a Huguenot, but was indubitably a lunatic. He was apprehended, brought to trial, and condemned on no other evidence than his own confession, in which confession he persisted at his execution.

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1667.

So fatal had been the issue of the Dutch war, so extensive had been the ruin induced by the successive calamities of pestilence and fire, that the king found it almost impossible to preserve public credit, and to supply his own prodigality. He was advised that some degree of popularity might be regained by conciliating the sectaries, if not the papists. The late penal laws against both had driven them to exasperation or despair; and these laws were not, unjustly attributed to the counsels of Clarendon. Charles suffered himself to believe that he might acquire some degree of public favour, though not of esteem, by removing his faithful minister from the court. This was the advice of all his favourites, and it unhappily agreed with his own corrupted feelings. The earl of Bristol, who was the ostensible leader of the papists, and the earl of Arlington, who was secretly a papist, though the public and political enemy of popery, were united in undermining the credit of the chancellor. Buckingham directed against him the shafts of sarcastic wit, Ashley assailed him with vituperative eloquence. These were formidable enemies; and if these

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had not been sufficient, he would have been the victim of female intrigue.

Clarendon was unsuited to the profligacy and venality of Charles and his court, and Charles could no longer endure the silent reproofs and the too magisterial deportment of Clarendon. The loss of his master's confidence the chancellor had long felt, but he was unprepared for the communication of his son-in-law the duke of York, that the king had resolved to take from him the great seal.

He had recently lost the only colleague on whose fidelity he could rely; for Southampton had yielded to a painful disease, and though Christian fortitude supported him during the trial, nature was exhausted. He had still more recently lost the wife who had shared his sorrows and his joys. Yet he had friends whom the want of royal favour could not alienate. Sheldon, forgetting his usual suavity of temper, and assuming the boldness of a Christian teacher, abashed the dissolute prince, by pointing out the real cause of his ingratitude to his ancient friend and servant*. When Burlington and Morley were advertised of the intention of his enemies to venture on a parliamentary impeachment, they solicited an interview with the ex-chancellor. They implored him to repose a confidence in their attachment, and candidly to impart to them whether any real matter of accusation could be brought against him; they intimated that he best knew if any charge could be

* "Sir, I wish you would put away the woman you keep."
Burnet's Hist. of his Own Times.

preferred with truth; but falsehood was infinite, and could not be guessed at. His reply was worthy of his character; that if, either in his foreign negotiations, or in his judicial decisions, any instance of corruption could be fairly laid to his charge, he would be contented to forfeit all pretensions to their friendship.

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1667.

After all the different ordeals through which the character of Clarendon has been tried, it is unhurt. Nothing can be said against his probity, though much may be said against his prudence. He fell into that mistake which he imputes to Laud, of supposing that integrity is a sufficient safeguard; and he did not bear contradiction with that temper which selfish, artful, and designing men are careful to preserve. Sheldon had sagacity to foresee the effects of his inflexible spirit, and complained that it had involved himself in ruin, and the church in danger*.

The same consciousness of honesty guided him throughout the sequel of his persecution. When the articles of impeachment were exhibited against him, amounting to twenty-three in number, he desired his second son to acquaint the house of commons, that, for the sake of expedition, he wished the managers to select any single article which they thought most capable of proof; and if that single article could be substantiated, he would acknowledge himself guilty of all. His enemies, knowing his strength and their own weakness, declined to accede to so honourable a proposal. On the contrary, taking advantage of some late

* Carte's Life of the Duke of Ormond, vol. ii. p. 350.

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precedents too disgraceful to be recorded, and far more so to be followed, the commons sent up to the lords a general impeachment of high treason, without alleging any special matter; and on this general charge demanded that the delinquent should be committed to prison. So flagrant a violation of justice was resented by the lords as it deserved, especially since they were expected to be the instruments of its commission. They urged that a general charge was not sufficient to injure reputation, and still less was it sufficient to deprive a man of liberty. But the violence of the commons, though repressed by the lords, was fomented by the court; and even the king was supposed to have employed his personal solicitations with some of the peers, and to have requested that Clarendon might be consigned to custody.

After many debates, conferences, and protestations, the majority of the peers continued unawed and unmoved. They magnanimously adhered to their resolution against the committal, and the commons accused the lords of a denial of justice. This difference of opinion between the two houses would have been increased into an open rupture, if the king had not resorted to an expedient which would terminate the whole business. The duke of York was sent to prevail with Clarendon to withdraw himself from England, with assurances of protection. It was imprudent in Clarendon to comply with this request; it was disgraceful in the king to make the proposal. Clarendon reluctantly yielded, and partly to serve the king, partly to save his family, partly to prevent enmity between the king and the duke of York, and above

all, to avoid being the occasion of a breach between the two houses of parliament, he was a voluntary fugitive, and became a legal exile. A.D.
1667.
Nov. 27.

When he had reached Calais, he addressed a letter to the house of lords, containing the most solemn asseverations of his innocence, and attributing his departure neither to a fear of consequences, nor to a consciousness of guilt; but protested that he withdrew himself to avoid the obstruction of public business, and of occasioning a breach between the two houses of parliament. This conduct on the part of Clarendon was followed by the consequences which might be expected. The house of commons voted his apologetical letter to be seditious, and conveying a reproach on "the king, and the public justice of the nation." They desired that the lords would order it to be burnt by the hand of the hangman, and to this request the lords acceded*. Decemb. 9.
Burnt Dec-
ember 12. A bill was brought in, banishing him from the English dominions, under the penalties of treason, either in case he should return, or in case he should not return, and surrender himself to justice before a limited time. It was also made treasonable to hold any correspondence with him without leave of the king, and the crown was restrained from granting a pardon to him, unless with the consent of parliament.

Still the bill did not pass without much opposition. It was objected that the course of law against any delinquent who fled from justice was known, and that it was a manifest violation of

* Journals of the Lords.

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equity, to make all correspondence with the earl of Clarendon treasonable, when he himself was not attainted of treason. The duke of York interposed with the king to mitigate the severity of the bill, or to refuse his assent; but the king throughout the whole transaction displayed a vehemence, though not an obduracy, foreign to his natural disposition. The bill not only received the royal assent, but was hurried on by royal influence.

The fall of Clarendon was unlike that of many other men possessed of high station, but destitute of inherent greatness and elevation of mind. The concluding portion of his life, which he passed in banishment, was perhaps the most useful, and certainly the most happy. He spent his seven last years at Rouen, among papists and presbyterians, against whom he had entertained an aversion, arising perhaps from reason, but strengthened into an antipathy as unreasonable as if it had proceeded from prejudice. That his opinion of popery was not changed, his letter to his daughter on her supposed conversion to the church of Rome, is an irrefragable proof.

In his retirement, he did not suffer his mind to prey upon itself, but devoted it with assiduity to reading and composition. It was there that he justified his innocence from the calumnies of faction; it was there that he proved his claim to the praise not penuriously awarded by one who had no partiality for his opinions; that he was "the best of writers, the best of patriots, and the best of men*." It was there that he finished his im-

* Dr. Warburton.

mortal history, it was there that he composed his incomparable Reflections on the Psalms of David*. A. D.
1667.

To attempt the delineation of one who excelled most historians in his portraiture of eminent men, is a task from which a prudent writer would shrink. Let it be summarily given in the paternal maxim, which was indelibly engraven on his heart; he never sacrificed the laws and liberties of his country to the will of a prince.

* Life of Clarendon, vol. iii. 8vo. ed.

CHAPTER VII.

Attempts of Charles to reinstate the Roman Catholics.—Proposals for comprehending the Nonconformists within the Church.—Opposition of Parliament.—Further Severities enacted against Dissenters.—The Cabal.—Declaration of Indulgence.

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FROM this period in the reign of Charles to its termination, a melancholy prospect opens to the view. The king was now enabled to make a steady progress towards arbitrary power, till he became the pensioner of France and the tyrant of England. The duke of York was soon tempted to throw off his disguise, and to make a public avowal of his religion. The court was given up to the most shameful profligacy, which it supported by an unlimited extravagance.

Yet the advances towards despotism over a nation which had overthrown even a constitutional monarchy, must have been checked, if the opposition to the court had not been capricious and corrupt. It had no other leader who deserved the name than Ashley, afterwards earl of Shaftesbury, and “under his contaminating influence” those who attempted to oppose the oppressive tyranny of Charles “exposed the cause of liberty to the most imminent peril*,” and themselves to indignation or contempt.

It was not strange that the ingratitude which

* Hallam's *Constit. Hist.* vol. ii. pp. 300, 301.

Charles had shewn to Clarendon, should vent itself on those whom he could not injure either in fortune or in reputation. On no class of men was it more abundantly bestowed than on those prelates who were the friends of the exiled minister. Sheldon retired from court with visible marks of displeasure; Morley was removed from the deanery of the royal chapel, and departed to his diocese. He accused the clergy at the council board of encouraging dissent by their negligence in the pastoral care.

A. D.
1668.

Buckingham at this time held the ostensible situation of prime minister, and probably advised that the royal speech at the opening of the ensuing parliament should recommend an union of his protestant subjects. But the house of commons, not participating in this change of opinion, petitioned that a proclamation might be issued, enforcing the laws against unlawful assemblies of papists and nonconformists.

Feb. 10.

When the great seal had been taken from Clarendon, it was given to sir Orlando Bridgman, the chief justice of the common pleas, whose reputation in the court in which he presided was deservedly high. But this reputation decreased when he was removed to the court of chancery. His moderation degenerated into diffident timidity, and his patience into irresolution. This disposition probably induced him to unite with some leading men in the church and among the dissenters, to effect a comprehension.

Wilkins, a name well known in the philosophical as well as the religious world, was recommended by Buckingham and Bridgman to fill the

CHAP. VII. see of Chester. The promotion was without the consent, and contrary to the opinion, of Sheldon; but when it was effected, he handsomely expressed his esteem for the new bishop*. To Wilkins, Bridgman assigned the task of prevailing on his brethren of the church to accede to a treaty of union with the nonconformists; and a man who had formed an universal language, and who contemplated the possibility of a voyage to the moon, could not think it above his capacity to engage in a project, which was not, like the one, vast, nor, like the other, visionary.

In this undertaking was associated the name of sir Matthew Hale, a man on whom to pronounce an eulogy would be a waste of words. His moderation towards those who differed from him was as large as his confidence in his own matured opinions was firm. His own example was that of strict conformity with the church of England, in contradistinction to the peculiarities or novelties of the presbyterians†. Whatever might be his tenderness towards nonconformists, yet the following opinion of their Christian prudence is in existence, though not judicially recorded. He allowed that the separatists might be good men,

* Before Wilkins was settled in his bishopric, a certain person addressed Sheldon, and desired his recommendation to the new bishop for a piece of preferment in his gift. "No," replied Sheldon, "that I can by no means do; it would be a very unreasonable thing in me to ask a favour from one whose promotion I opposed." *Life of Bishop Ward*, by Dr. Walter Pope.

† He used the liturgy; he had a peculiar veneration for Christmas Day; he received the communion kneeling.

but they must have narrow souls, who would break the peace of the church about such inconsiderable matters as the points of difference were*.

A. D.
1663.

Hale was willing to enlarge the terms of conformity, as he could not expect to instil liberality into the minds of the nonconformists, and his predilection for the society of Wilkins engaged him with more alacrity in the association. Tillotson certainly, and Stillingfleet probably, was consulted on the scheme; and among the presbyterian ministers, Baxter, Bates, and Manton were invited to a conference. These received certain proposals, which they were requested to communicate to their brethren.

The propositions were drawn up under distinct articles, referring to ecclesiastical discipline and to the liturgy. Under the first general head; that those ministers who had not received episcopal ordination should receive imposition of hands from a bishop, with a form of words not invalidating presbyterian ordination; that instead of all other subscriptions, the oaths of allegiance and supremacy only should be imposed, with a declaration subscribed of conformity to the doctrine, worship, and discipline of the church of England; that the posture of kneeling at the communion, the cross in baptism, and bowing at the name of Jesus, should be left indifferent, or taken away; and that if the liturgy and canons were altered in favour of the dissenters, then every preacher

* Burnet's Life of Sir M. Hale.

CHAP. should declare his assent to them, and promise
 VII. conformity*.

There were several alterations proposed in the liturgy, but they differed in no material circumstance from those suggested by the presbyterians at the Savoy Conference. Baxter demanded farther that the subscription might be confined to the doctrinal articles of the church; that the power of bishops, and of the ecclesiastical courts, might be limited; and that the baptismal covenant might be explicitly avowed by all who came to the Lord's Supper. But these were at once rejected, because there was no probability that they would be admitted by parliament.

Besides these proposals for a comprehension, others for a toleration were communicated by Baxter to Owen, the Coryphaeus of the independents, and were in effect these: 1, that such protestants as could not be included, or would not accept a comprehension, might enjoy the public exercise of their religion; 2, that the names of all persons enjoying this liberty might be registered, with the names of their teachers; 3, that every person enjoying this liberty might be exempted from performing any public office, on payment of a fine for its non-performance; 4, that such persons should be discharged from all the penalties imposed on nonconformity, provided they paid all public and parochial duties†.

After these terms had been considered, after

* Life of Baxter, Neal's Hist. vol. iv. c. 8. Burnet's Hist. of his Own Times, vol. i.

† Life of Baxter, part iii. p. 24. part ii. p. 433.

certain abatements and explanations had been offered and accepted, a bill was prepared by sir Matthew Hale, to be brought in at the ensuing session of parliament. But two parties appeared vigorously against the design; the one consisted of zealous clergymen, who thought it below the dignity of the church to alter the existing laws for those whom they esteemed schismatics; the other consisted of courtiers, who wished to shelter the papists from the execution of the laws. They thought, and not without reason, that a comprehension of the presbyterians would be followed by a prohibition of the public exercise of the Romish religion. No toleration for popery was a grand presbyterian maxim, and the penal laws against the presbyterians seemed only a just retaliation for their own intolerance and persecution *.

A. D.
1663.

The project of presbyterian comprehension having been communicated by Wilkins to some of the moderate bishops, and particularly to Ward, bishop of Salisbury, seemed to promise success. But Ward, though the early friend and admirer of Wilkins, appears to have changed his sentiments with his elevation. Instead of forwarding the design, he concerted measures to frustrate it. As soon as the parliament met, notice was taken that there were rumours out of doors of a bill to be offered for comprehension and indulgence; on which intimation a resolution was passed that such a bill should not be introduced into the house. On the petition of the house, a procla- Feb. 18.

* Life of Sir M. Hale, by Burnet. Birch's Life of Tillotson, pp. 42, 52, 193.

CHAP.
VII.

mation was obtained from the king, enforcing the laws against the nonconformists, and particularly the Five Mile Act.

Thus the severity of the house of commons against the presbyterians, so far from being abated by the banishment of Clarendon, was increased, and the laws were executed with greater rigour than before. A committee was appointed to inquire into the behaviour of the nonconformists, and it reported that conventicles and seditious meetings were holden even in the vicinity of parliament, in defiance of the laws, and to the danger of the peace of the kingdom. The duke of Albemarle, at the close of life, was employed to disperse these conventicles by force, and was rewarded by the thanks of the house for his zeal in the important service. Baxter was committed to prison for preaching in his own house, and for refusing the nonresisting oath; and though he was soon liberated on account of an informality in the commitment, yet he found it convenient to withdraw from the metropolis*.

The king professed that all this severity was contrary to his inclinations, and communicated to some of the nonconformists his desire that they would petition him for relief. An address was in consequence presented by Manton, Jacomb, and Bates, and their reception from the king was gracious, and his promises were flattering, though insincere.

The reasonableness of toleration became at this time a subject of controversy, and was warmly

* Baxter's Life, part iii. p. 49.

debated without the doors of parliament. Many books were written to expose the doctrines of the presbyterians as leading to antinomianism and licentiousness of manners. Many tracts of a lighter cast were written to expose their affected sanctity of manners, and their indecent application of scriptural phrases to the ordinary purposes of life. Of the serious attacks, "The Friendly Debate between a Conformist and a Nonconformist" ought to be mentioned with due approbation. Its author was Patrick, afterwards bishop of Ely, a man of great learning and of an exemplary life. The tract itself has been depreciated by presbyterians, and by the friends of the presbyterians; but they may consistently depreciate a production which they have been unable to answer*.

A. D.
1669.

Such was the corruption of the court, that it encouraged the satires against the presbyterians and other sectaries, because they tended to bring all religion into disrepute. The stage was employed for this unworthy purpose †, on which not only nonconformity was ridiculed, but religion was laughed out of countenance. The history of these times is a demonstration that fanaticism is favourable to the growth of infidelity.

* Baxter, Burnet.

† "I remember," says sir M. Hale, "that when Ben Jonson, in his play of the Alchymist, introduced Anartus with many of the presbyterian misapplications of scriptural phrases, the play was detested; but now the presbyterians are brought upon the stage, and scripture is quoted with applause."

CHAP.
VII.

1670.

April.

In the house of commons the equally unpromising, and more unchristian mode of reducing the nonconformists by persecution, was followed with unwearied perseverance. When the Conventicle Act had nearly expired, it was revived, with the addition of some clauses of unprecedented cruelty*, and the court coincided with the commons, from a hope of obliging the presbyterians to petition for a general toleration. A severe pecuniary mulct was imposed on all persons who were present at any religious exercise differing from the liturgy of the church of England, and the fine was heavier on those who preached at such exercises. A single magistrate was authorized to enter any house or place, in which he had been informed such a meeting was to be held, and to disperse the assembly by force. This law has been stigmatized in no measured, and not in exaggerated terms, as destroying the bulwark of English liberty. It punished the innocent for the guilty, by subjecting the husband to a penalty for the conduct of his wife, and it protected those who were able to pay the fines, while it affected those whose poverty prevented payment. Its inevitable tendency was to influence magistrates to partiality, and to sanction public informers.

May 7.

Unhappily the persecuting spirit of the commons was encouraged by the prelacy. Sheldon, in a circular letter to the bishops of his province, exhorted all ecclesiastical judges and officers to watch with vigilance all who frequented conventicles, and to call in the aid of the civil magis-

* Stat. 22 Car. II. c. 5

trate for their suppression, according to the act lately passed. Sheldon, by this letter, testified his approbation of the law; Wilkins, while it was in progress through the house of lords, spoke against it with great force. When the king desired him privately to withdraw his opposition, he fearlessly replied, that he thought the measure inconsistent with conscience and policy; and since by the laws and constitution of England, and by the king's favour, he had a right to debate and vote, he was neither afraid nor ashamed to avow his opinion. It is too evident that this act was levelled, not against sedition or factious nonconformity, but against liberty of conscience; and so effectually was it executed, that for some time after its enactment, there was not a conventicle to be heard of throughout England. Many of the leading presbyterians in the city of London were about to remove into Holland.

A. D.
1670.

An act, which is alike repugnant to justice, to policy, and to humanity, it is impossible to defend; but it was an act of the legislature, not of the church. Like the other penal laws against the dissenters, it was framed rather on a civil and a political, than on a moral and religious account, and always upon some fresh provocation in reality or in appearance*. This apology may in some measure exculpate the church, but it is an insufficient defence of the act itself.

The nonconformist ministers invented every contrivance, and took every precaution in their power, to keep within the letter of the law. They

* Echard

CHAP.
VII.

preached frequently to large families with only four adult strangers, and as many under the age of sixteen as chose to attend: they selected those places in which they might be heard by the inmates of several adjacent houses. But after all their precautions infinite mischief ensued, families were impoverished and disunited, friends were divided, general distrust prevailed among the members of the same household, and treachery was encouraged in servants against their masters.

As far as this period, the king and his parliament had maintained a tolerable agreement, on account of the large supplies which had been granted to feed the profligate extravagance of the court. In return for these, Charles was willing to increase the liberties of his people, and even to diminish his own rights. But having received assurances of pecuniary aid from France, he resolved in future to govern by the force of his prerogative, and if he could not render his parliament subservient to his wishes, to govern without it. His prime ministers and favourites encouraged this scheme, and this junto is sufficiently known under an appellation, which the initials of their names justified, the Cabal.

The characters of the five who formed the cabinet have been sufficiently unfolded in the narrative of some previous transactions in which they participated; of the political life of Shaftesbury, however, a continuous account must be interesting. He was the soul of the cabal while it subsisted; when it was defunct, his restless spirit pervaded other counsels, and presided over other deliberations. Extraordinary were his ta-

lents, and not less extraordinary their direction. His learning was superficial, but his knowledge of mankind compensated for want of learning. No man had so great a command of words, or had such an irresistible influence over a popular assembly. He had come into parliament before he was twenty, and was on the side of the king, yet the bad faith of prince Maurice furnished him with an excuse to take the side of the parliament. To Cromwell he was of great use in opposing the enthusiasts of those days, and to Charles he was the most dangerous of all counsellors. Tergiversation was not only his practice, but his boast, and he valued himself on changing his party at the opportune season.

A.D.
1671.

In religion he was a Deist, but with the not unfrequent superstition of unbelievers, he had a confidence in astrology. Placing his political inconsistencies, as far as it is possible, out of sight, the present undertaking demands a relation of his devious and unsteady course towards his professed idol, religious liberty.

When he held a subordinate place in the administration, his own indifference to religion, and the partiality of Arlington to the Roman catholics, had drawn in Manchester, whose interest was with the presbyterians, to propose to the king an indulgence for liberty of conscience. Without the knowledge of Clarendon or Southampton, this measure was brought forward in the house of lords, and supported by Shaftesbury with great sharpness of wit, who spoke "with a cadence in his words and pronunciation that drew attention." The grand maxim which he

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VII.

here recommended was, that the Roman catholics, and all other sectaries, should purchase immunity from penal laws by a yearly tax; which in the honest indignation of Southampton was described as a project to get money at the expense of religion; and in the bolder language of Clarendon, as the impost of religious ship-money*.

From this time Shaftesbury took the side of universal toleration, even of popery, and opposed no obstacles to the design of Charles of introducing it under the wing of the prerogative, and of increasing the prerogative, by dispensing with the laws. To this design the foreign policy of the court was rendered subservient, for a secret treaty was concluded with France, and a new war was declared against Holland.

With that jealousy of prerogative which belongs to a representative government, the house of commons penetrated into the king's motives. They saw that the nonconformists were prosecuted with the greatest severity, while the penal laws were relaxed in favour of the papists. They had liberty of resorting to mass at the houses of foreign ambassadors, and even their other chapels were uninvaded. The commons, therefore, deemed it expedient to represent both the causes and the remedies of this grievance in an address to the king. The causes of the increase of popery were stated to be, the number of Jesuits, the popish chapels in all great towns, the public sale of popish books, the general remissness of magistrates, the right of popish presentation to bene-

March 10

fices, the education of youth in foreign popish seminaries, and the great insolence of the papists in Ireland, where prelates, created by the pope, appeared publicly, and assumed a jurisdiction. The remedies proposed for the correction of these abuses were the expulsion of all priests and Jesuits by proclamation, except the attendants on foreign ambassadors, a prohibition against an attendance on mass, and other exercises of the Romish religion by any of the king's subjects, a dismissal of all popish recusants from offices or employments of trust and authority. It was farther recommended to issue from the exchequer processes against all papists convicted of recusancy, and to send for the pretended primate of Ireland, and the titular archbishop of Dublin, to answer the charges preferred against them.

A. D.
1671.

The king promised to take the address into his consideration, but expressed a hope that he might be allowed to distinguish between the recent converts to popery, and those who had been educated in the Romish religion. He complied so far with the address as to issue a proclamation declaratory of his adherence to the true religion as it was established in his kingdoms, and of his resolution to employ the utmost care and zeal in its defence. But at the close of the parliamentary session the Cabal openly prosecuted their scheme of making the king absolute. National faith and public credit were sacrificed with equal unconcern; the one was broken by the seizure of the Dutch fleet on its return from Smyrna; the other was destroyed by shutting up the exchequer, and the violation of property.

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VII.

1672.

Two days after the seizure of the Smyrna fleet, Shaftesbury proposed in council a suspension of all penal laws against the nonconformists, whether popish recusants or protestant dissenters. The proposal was received with approbation by the majority. It was plausibly argued that the suspension would operate beneficially, and that it would be for the service of the church of England. Indulgence to the dissenters would strengthen its interests, and form a bond of union among all protestants. By some who were not solicitous about religion, this measure was exclaimed against as the assumption of an illegal power to suspend and virtually to repeal all the laws. To such objectors Shaftesbury indignantly replied that a similar power had been exercised by queen Elizabeth, and even by the present king with respect to the Act of Navigation. He laid down the broad position, that a government could not be supposed, whether monarchical or otherwise, without a standing, supreme, executive power, fully enabled to mitigate, or wholly to suspend any penal law, in the intervals of the legislative power; and that it would rest with the legislature on its reassembling, to deliberate whether the suspension should be continued, or the operation of the law be renewed*.

March 15. At length the Declaration of Indulgence, after it had been communicated to the French king, was published. Its language was specious, but the spirit which lurked beneath it could not be

* Locke. "A Letter from a Person of Quality to his Friend in the Country."

A. D.
1672.

disguised. It began with a review of the conduct of government towards the church, since the Restoration, proving that the royal care over its interests had been incessant, by "the many and frequent ways of coercion" for reducing dissent, and for composing "differences in matters of religion." But the experience of twelve years had shewn that "all these forcible courses" had been ineffectual, and therefore the king thought himself obliged to make use of that supreme power in ecclesiastical matters which had been recognised by several acts of parliament. In the first place he repeated his resolution and intention to preserve the church of England entire in its doctrine, discipline, and government; and that it be taken as "the basis, rule, and standard of the general and public worship of God;" and that the orthodox clergy should alone receive and enjoy the revenues of the church; no person, though of a different opinion and persuasion, should be exempted from the payment of his ecclesiastical dues. Farther, it was declared that no person should be capable of holding any benefice or ecclesiastical dignity in the kingdom of England who was "not exactly conformable."

But after this reservation of all the rights and privileges of the church, the royal will and pleasure was signified, that all manner of penal laws in ecclesiastical matters against every sort of non-conformists or recusants should be immediately suspended; and that there might be no pretence for the continuance of any illegal meetings and conventicles, the king signified his intention of allowing a sufficient number of places for the

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VII.

use of such as did not conform to the church of England. To prevent any disorders and inconveniencies arising from this indulgence if not duly regulated, and to ensure protection to those who merited it, the place of meeting and the teacher of the congregation were to be allowed and approved by the crown. To shew, however, that this allowance and approbation was not difficult to be obtained, it was to be extended to all classes of nonconformists and recusants, except the recusants of the Roman catholic religion. To these, public places of worship were in no case to be allowed; they were to experience only the common exemption from the penal laws, and to enjoy the exercise of their worship in their private houses.

Variously as this declaration was received, the extremes of triumph and displeasure were felt by the papists and the friends of the church*. These estimated the indulgence as it deserved to be considered, as preparing the way for the introduction of the Romish religion. The bishops took alarm at the publication of this manifesto from the court, and Henchman, bishop of London, exhorted his clergy to preach against popery rather than nonconforming protestants. The king, irritated by this conduct, complained to Sheldon, that controversial topics were handled in the pulpit for the purpose of inflaming the people, and of alienating them from himself and his government; and the archbishop, fearing that he might be pressed again upon the subject, convened some of

* "The conformists displeased, the presbyterians glad, the independents very glad, the papists triumph." Life of P. Henry.

the clergy, to consult what answer ought to be returned to the king, in case he repeated his complaint. Tillotson suggested this reply, that, since the king himself professed the protestant religion, it would be a thing without precedent, that he should forbid his clergy to preach in defence of a religion which they believed, and which himself professed*.

A. D.
1672.

What was the temper of the nonconformists on the publication of the Declaration, is a point on which even their own historians are not agreed; the motives of the government are thus represented by one of their most popular writers: "The beginning of the Dutch war made the court think it necessary to grant an indulgence that there might be peace at home while there was war abroad, though much to the dissatisfaction of those who had a hand in framing all the severe laws against them†."

Though the duke of York had now avowed himself a papist, and though the duchess had been suspected of conversion to the church of Rome, previously to her death; yet this Declaration was so far from alarming or offending the protestant nonconformists, that the presbyterian ministers of London came to the king in a body, with Manton at their head, to offer their thanks and congratulations. Most of the presbyterian clergy availed themselves of the indulgence, and took out licenses from the crown for the exercise of their religious worship.

Oh.
March
1671.

To silence the clamours of such as saw the ul-

* Birch's Life of Tillotson.

† Baxter's Life.

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VII.

terior motives and consequences of the indulgence, or to blind the eyes of those who were unwilling to see them, the crown bestowed pensions on the principal ministers of the presbyterians, though not of the independents. Baxter properly and honourably sent back his pension; Pool, the author of the *Synopsis*, was contented to receive it. Owen, the leader of the independents, resents the accusation as a malicious falsehood; but his denial only goes so far as to exculpate himself. He does not venture to affirm, that the dissenters did not receive pensions from government to secure their silence, if not their approbation*.

It may be true that the high minded dissenters rejected the indulgence, and maintained that they ought to be satisfied with nothing less than a comprehension. It is certain that the friends of a limited monarchy reprobated it as an encroachment on the rights of parliament, and an invasion of the liberties of the people. When the Declaration was prepared, the lord chancellor Bridgman refused to affix the seal to it, as being contrary to law. His refusal was no obstacle; he was dismissed from his station, and the highest situation in the law was filled by a man who had not a legal education. How he conducted himself in this post, where natural sagacity must have supplied the want of technical skill, must be told; but history will lay down the pen, and join in the strains of poetry:—

* Grey's Answer to Neal. Patrick's Friendly Debate. Burnet's Hist. of his Own Times.

“ Yet fame deserv'd no enemy can grudge ;
The statesman we abhor, but praise the judge.
In Israel's courts ne'er sat an Abbethdin
With more discerning eyes, or hands more clean ;
Unbrib'd, unsought, the wretched to redress,
Swift of dispatch, and easy of access.
Oh ! had he been content to serve the crown
With virtues only proper to the gown ;
Or had the rankness of the soil been freed
From cockle, that oppressed the noble seed ;
David for him his tuneful harp had strung,
Nor Heaven have wanted one immortal song *.”

A. D.
1672.

* Absalom and Achitophel.

CHAPTER VIII.

Continued Efforts of Charles to acquire arbitrary Power.—
 Conduct of Shaftesbury.—Origin of the Test Act.—Pro-
 jected Marriage of the Duke of York with the Princess of
 Modena.—Change of Ministry.—Successful Measures of
 the Earl of Danby.—Death of Sheldon.—His Character.

CHAP.
 VIII.

A. D.
 1673.
 Feb. 4.

DURING the interval which elapsed between the public appearance of the Declaration of Indulgence and the meeting of parliament, an interval of a year, the nonconformists made use of their liberty in a manner which merited praise. They were diligent in exposing the errors of popery.

Long did the king protract the assembling of his parliament, but his necessities at length compelled him to submit his conduct in foreign and domestic affairs to its judgment. He laid before the two houses the reasonableness and urgency of the war in which he was engaged, and having recommended the commons to grant the requisite supplies for enabling him to continue it, he at length adverted to the ungrateful topic of his Declaration of Indulgence. Of this measure he said that he had already seen the good effects, and therefore was resolved to abide by it. The lord chancellor, Shaftesbury, enlarged on the several heads of the king's speech, and having vindicated the relaxation of the penal laws against the nonconformists, magnified the king's zeal for the protestant religion and the church of England.

Widely different from the opinion or the pro-

fessions of the king and of the chancellor was the temper of the house of commons. Whether or not they looked to the secret but inevitable tendency of the measure, whether or not they were more willing than formerly to abate the terms of nonconformity, is a question not material; they almost unanimously agreed that the Declaration was an infringement of the constitution. They declared against the dispensing power in the crown, and argued, that, however the king may possess such a power in cases of felony, he had no right to authorize a violation of the laws, by promising a pardon antecedent to the commission of the offence; and that if the king could thus indemnify offenders whom he encouraged to break the laws, parliamentary legislation was nugatory. An objection was raised on the other side, that a distinction ought to be made between penal laws in ecclesiastical affairs, and other offences; and that the royal supremacy gave a peculiar and uncontrolled authority in ecclesiastical causes. This was evident from the toleration granted solely by the royal authority to the Jews, and other foreign churches. But to this argument it was answered, that, in asserting the royal supremacy in ecclesiastical affairs, the law intended merely to exclude all foreign jurisdiction, not to render the authority of the crown in ecclesiastical matters despotic. This authority, as it was originally defined, so it ought to be afterwards controlled and regulated by law. The cases of the Jews and of the foreign congregations were either irrelevant, or proved the contrary of the argument which they were cited to prove; the one being only con-

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nived at, and the other being excepted by a special clause from the general penalties of the Act of Uniformity.

Feb. 10. After a mature consideration of the subject, the commons passed the following resolution: That penal statutes in matters ecclesiastical cannot be suspended unless by act of parliament; that no such power had ever been claimed by any of the king's predecessors; and therefore that the late Declaration of Indulgence was contrary to law, and tended to subvert the legislative power, which had been always acknowledged to reside in the king and his two houses of parliament. In pursuance of this resolution they addressed the king to recall his Declaration.

Charles did not recede from the step which he had already taken in his progress towards arbitrary power without an effort to keep his position. He answered, that he was concerned to see his power in ecclesiastical matters questioned, a power which had been undisputed in the reign of his predecessors; that he did not pretend to suspend those laws which concerned the rights and properties of his subjects; that he never thought of using this branch of his prerogative otherwise than for the peace and establishment of the church of England; and that his only design was to take off the penalties inflicted by statute on dissenters, which he believed even the commons would not wish to be executed according to the rigour of the law.

It has been argued with great force, that if the motives of the commons had been friendly to toleration; if they had objected to the Declaration,

not on account of its granting relief to nonconformists, but merely on account of its illegality; they had now a fair opportunity of legalizing it, by offering to convert it into an act of parliament*. But they adopted a different course; they stopped the supplies, and presented a second address, insisting on a full and satisfactory assurance that this act of the crown should not be construed into a precedent, an assurance which, after some delay, was obtained.

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1673.

Now was the crisis when the king must either choose between yielding to the remonstrances of the commons, dissolving his parliament, or resorting to some illegal method of raising supplies. To raise supplies was impossible, for public credit was destroyed by the late nefarious act of shutting up the exchequer; to dissolve the parliament was hazardous, for another might be more vigilant of the public expenditure; nothing remained but to satisfy the commons by revoking the Declaration. Before the decision was finally taken, the court tried the temper of the house of lords. Clifford asserted the prerogative, not with any force of argument, but with intemperance of language. Shaftesbury, to the amazement of the whole house, dissented from his colleague. He said, that, however his opinion might lean, as that of others did, to the supremacy; however he might once have thought that this supremacy warranted the Declaration; yet since such a house of commons, so conspicuous for its fidelity and affection to the king, had determined otherwise, he must submit his reasons to so high an authority. The com-

* Gough's Hist. of the Quakers, vol. ii. p. 374.

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VIII.

mons were the king's great council; they were to advise and support him; they had done both: and to secure their support it was necessary to follow their advice.

March 8.

However the duplicity or the cowardice of Shaftesbury might have irritated the king, yet Arlington was on the same side; and Charles's necessities pleaded more strongly than any of his counsellors. He therefore came to the house, and, having pressed the commons to dispatch the money bill, he added; "If there be any scruple yet remaining with you concerning the suspension of the penal laws, I here faithfully promise you, that what has been done in this particular shall not for the future be drawn into example and consequence; and as I daily expect from you a bill for my supply, so I assure you I shall as willingly receive and pass any other you shall offer me, that may tend to give you satisfaction in all your just grievances." After saying this, he called for the Declaration, and broke the seal with his own hands.

The commons followed up the advantage which they had gained; they were now disposed to distinguish between the protestant dissenters and popish recusants; to give some relief to the one without including the other; especially since the nonconformists who sat in the house disclaimed the dispensing power, even when it was exerted in their own favour. But the impending danger of popery absorbed every other concern, and reconciled every conflicting interest.

Though the laws against popish recusants were sufficiently severe, yet papists were employed in

the highest places of trust and profit. Clifford, the great financial minister of the kingdom, was a warm and bigoted adherent of the church of Rome, and the duke of York was at the head of the navy. The commons, feeling their strength, still detained the supplies, and ordered a bill to be brought in, to limit all places of profit and trust to those who were in communion with the church of England. The mode by which this fact was ascertained gave rise to the title of the TEST ACT*.

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1673.

By this law, all persons holding any office, civil or military, were obliged to take the oaths of allegiance and supremacy, and to receive the sacrament of the Lord's Supper according to the usage of the church of England. In addition to this, they were required to subscribe a declaration against transubstantiation. The object of this bill could not be mistaken, for, while it was directly levelled against the papists, it was only obliquely aimed at the presbyterians, who were the most formidable body of nonconformists. They were in the habit of frequenting the churches occasionally for the purpose of receiving the Lord's Supper; in some churches the standing posture of the communicant was connived at; and even in those churches where kneeling was rigidly enforced, it might be conscientiously complied with, when accompanied by the authoritative explanation of the rubric, that no adoration of the sacred elements was intended.

During the progress of this bill through the lower house, the court endeavoured to prevent it

* Stat. 25 Car. II. c. 2.

CHAP. by dividing the church and the dissenters ; but in
VIII. this attempt it was frustrated by the manly conduct of the dissenting members. One of the representatives of the city of London*, while the debates were carrying on concerning the Declaration, spoke against it with great warmth, assuring the house that the dissenters would rather go without their desired liberty, than have it in a way so detrimental to the nation, so destructive of the liberties of his country, and of the protestant interest ; and that in saying this, he spoke the sentiments of the whole body of presbyterians. In the debate on the Test Act, the same individual again interposed, when a proposition was made for some regard to the interests of protestant dissenters. He hoped the clause suggested in their favour would occasion no intemperate heat, and, since the bill was likely to prove so strong a barrier against popery, he moved that it might pass without any alteration. "When this work is finished, then," observed the speaker, "we the dissenters will try if the parliament will not distinguish us from popish recusants by some marks of their favour ; but we are willing to lie under the severity of the laws for a time, rather than clog a more necessary work with our concerns." Such being the sentiments of the leading dissenters within, if not without parliament, the bill went through the commons with cheerful unanimity.

It had been the king's practice during some late sessions, to be present at the debates of the house of lords, a practice which could not be

* Alderman Love.

legally construed into a breach of privilege, but which was clearly repugnant to the spirit of the constitution. At first his presence operated as a restraint on the freedom of debate; but as it became familiar, it ceased to command respect, and it encouraged the peers to utter salutary, though unwelcome truths, in the ear of their sovereign. While the debates on the Test Act were carrying on in the house of lords, the king punctually attended, to watch the conduct of his ministers.

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1673.

Of these debates it is to be lamented that no authentic record exists*, for they were some of the most important which have ever occurred in the annals of parliament. Those scattered particulars which have been collected by historians are too valuable not to be preserved with scrupulous care, and read with anxious curiosity. All the courtiers, and all the ministers, with the exception of the chancellor, maintained it to be an indisputable prerogative of the king to employ any of his subjects, of whatever religion they might be. The chancellor is accused of having been the author of the Test Act, but he was incontrovertibly its advocate, and an advocate the most formidable to his opponents. It is however not easily to be reconciled by posterity, that he should have supported two measures so diametrically opposite as the Test Act and the Declaration of Indulgence. He cannot, at this point of his public life, be considered as the champion of religious liberty.

March.

Next to the conduct of Shaftesbury, that of the earl of Bristol was the most remarkable on this

* Ralph's Hist. of England, vol. i.

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VIII.

occasion. Although a papist, and at one time affecting to be the head of the Romish interest, he spoke in favour of the bill, and characterized it in the following terms : “ This bill, my lords, is, in my opinion, as full of moderation towards catholics, as of prudence and security towards the religion of the state. In this bill, notwithstanding all the alarms of the increase of popery and designs of papists, here is no mention of banishing them from a private and modest exercise of their religion; no banishing them to a prescribed distance from court, no putting in exercise penal laws against them. All the precautions are reduced to this one interest, natural to all societies of men—that of hindering a smaller opposite party from growing too strong for one that is greater and more inconsiderable.” And he concluded thus handsomely in giving his assent : “ Upon the whole matter, however the sentiments of a catholic of the church of Rome, not of the court of Rome, may oblige me upon scruples of conscience to give my negative to this bill; yet as a member of a protestant parliament, my advice cannot prudentially but go along with the main scope of it, the present circumstances of time and affairs considered, and the necessity of composing the disturbed minds of the people*.”

March 25. Thus supported, the bill could not but pass, and the royal assent was reluctantly given. Clifford resigned the treasurer's staff with sullen indignation; the duke of York surrendered his em-

* Rapin's Hist. of England, vol. ii. b. 23. Echard's Hist. of England, vol. iii.

ployments with tears. Arlington had lost the favour of the duke more than of the king; Shaftesbury had equally lost the favour of both. But the hope of his future services in office, or the dread of his abilities in opposition, induced the king still to continue him in the chancellorship.

A. D.
1673.

The commons had no sooner passed the bill for March 15. the test, and sent it up to the house of lords, than they unanimously resolved to bring in another for the relief of protestant dissenters. Its substance was, that the benefit of the relief should be extended to all who would subscribe the doctrinal articles of the church of England, and take the oaths of allegiance and supremacy; that to all such, exemption from declaring assent and consent to the Book of Common Prayer should be offered; that they should not be subject to any penalties for meeting for the performance of religious exercises, provided that every teacher gave notice of the place of his meeting, and took the requisite oaths, and made the requisite subscriptions. But though the bill was brought in, it either went no farther than a second reading in the commons*, or it was dropped in the house of lords† on account of the speedy prorogation. The latter is March 25. the more probable surmise, for the king was in haste to terminate a session in which he had been so signally defeated.

But before the close of the session the commons addressed the king, praying that the laws might be enforced against papists and Jesuits, which was

* According to Burnet.

† According to Echard.

CHAP. followed by the customary proclamation, com-
VIII. manding them to depart the realm.

In the interval which elapsed before the next meeting of parliament, another event happened which portended the greatest danger to the protestant religion. The duke of York, at the conclusion of the last session, was known to have entered into a negotiation for a marriage with the princess of Modena; yet there was scarcely time for an address by parliament to prevent so dangerous a union. Such an interposition would then have been seasonable; but it was deferred till the interference was too late.

October.

One of the first acts of the house of commons when parliament reassembled was an expression of their dissatisfaction at the projected alliance. The duke was already married by proxy, and the princess had been conducted by lord Peterborough as far as Paris, when the commons voted an address to the king, that she should not be permitted to land on English ground, unless she renounced the church of Rome. Before the address could be presented, the duke prevailed with the king to prorogue the parliament for a week, a measure which was nearly frustrated by the dilatory acquiescence of Shaftesbury. When the week of prorogation had expired, the motley and unintelligible speech from the throne did not prevent the commons from resuming the subject. An address was voted, to which the king did not condescend to return an answer. The commons, incensed at this rudeness, again stopped the supplies, voted the standing army a grievance, and

were proceeding to other vigorous resolutions ; when the king suddenly summoned them to the house of peers, and prorogued them, after a session of only nine days. A. D.
1673.

So justly alarmed were the highest characters of the nation by the danger which menaced its religion, that the duke of Ormond joined the ministers Shaftesbury, Arlington, and Coventry, in recommending to the king the removal of his brother from the court. Charles listened to their advice so far as to mention it to the duke, but it was followed by the dismissal of Shaftesbury. When once the seals were taken from him, his hostility to the court was no longer restrained by moderation, or even by decency ; for the violence of his passions was equalled only by the flexibility of his policy. The other members of the Cabal were threatened with an impeachment ; Buckingham, and even Arlington, to compromise their own safety, joined the self-called patriots, and vented their raillery on the king and his brother.

The administration of public affairs was now confided to more honest, if not to more able hands. When Clifford resigned the treasurer's staff, it was bestowed on sir Thomas Osborn, afterwards earl of Danby, who was to repair an exhausted treasury, and, which was more difficult, to restore public credit. The great seal was entrusted to sir Heneage Finch, afterwards earl of Nottingham, " a person of the greatest and the most uncorrupted integrity ; a thorough master, and a zealous defender of the laws and constitution of his country ; and endued with a pervading spirit

Created earl
26 Car. II.

CHAP. that enabled him to discover and to pursue the
 VIII. true spirit of justice*.”

Finch and Danby from principle, and Lauderdale from policy, avowed their attachment to the church of England. Finch bestowed the ecclesiastical patronage belonging to his high office on the most worthy men, and he made residence on their benefices a condition of their preferment†. Sheldon and Morley were sent for to court, and the new ministry settled a scheme with them, by which it was proposed to crush all the designs of popery‡.

The marriage of the heir presumptive with a princess of the Romish religion not only called forth the animadversion of the commons, but induced some of the clergy to attempt a second time a comprehension with the presbyterians. Charles was at last persuaded to see that the sense of his council and the voice of his people called on him to support the church, with a strict hand upon the papists, and a moderate restraint on protestant dissenters. He commanded his own inclinations, and issued a declaration to prevent the increase of popery; while at the same time he recalled his licenses to the nonconformists, granted in pursuance of his Declaration of Indulgence.

Not long before the licenses were recalled, Baxter had openly declared from his pulpit that it was not in opposition to the public churches that he kept up a meeting, but to provide for the spi-

* Blackstone's Comment. b. 3. c. 4.

† Burnet's Hist. of his Own Time, vol. i. b. 3.

‡ Ibid.

ritual wants of the people. From this concession it was confidently reported that Baxter intended to conform; and from his own authority it is certain that he drew up some propositions for a comprehension, at the request of the earl of Orrery. It is said that even Morley and Ward were not disinclined to relax, if some concessions were offered by the presbyterians. On receiving some encouragement from these prelates, Stillingfleet and Tillotson invited Baxter, Manton, Pool, and Bates to a conference, for the purpose of discussing terms of accommodation.

A. D.
1674.

But it was soon found that not a single abatement would be made by the presbyterians from the terms proposed by the Savoy Conference, and delivered a second time to Wilkins and sir Matthew Hale. A release from the oaths of canonical obedience and assent to the liturgy, subscription to the doctrinal articles only of the church, and a discretionary compliance with its ceremonies were laid down as the basis of a comprehension. It is not surprising that such a scheme should be rejected by Morley and Ward, and that Tillotson, who was less tenacious of ecclesiastical discipline than either of these prelates, should decline any farther mediation*. He plainly said that the scheme of Baxter was not likely to receive the concurrence of the bishops, nor the countenance of the king.

Whether it was seen that a sacrifice would be attempted of the essential doctrines and the pecu-

* Letter from Tillotson to Baxter, *Life in Eccles. Biog.* vol. vi.

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April.

liar discipline of the church, in order to effect a comprehension of the presbyterians ; or whether it was supposed, that, by guarding the church with new securities, popery would be effectually crushed *, is an alternative which will be adopted as the subject is variously seen ; but with the approaching session of parliament a plan was devised, equally disliked by the papists and by the presbyterians. A bill was brought into the house of lords, imposing the nonresisting oath, or the oath which had been imposed on the presbyterian clergy by the Five Mile Act, on all members of parliament, and on all who voted at elections of members, and finally on all who enjoyed any beneficial office or employment, ecclesiastical, civil, or military. This bill has been commonly, but improperly called the Bishops' Test, for it was the project of Danby †.

The bill was supported by Finch, and among the bishops by Morley and Ward. They argued that it was necessary to find some criterion of discrimination between loyalty and sedition ; and as the late civil war had originated in the prevalence of bad principles on religion and government, it was fit to prevent the recurrence of such a calamity, by establishing principles which were sound. The king had granted a full indemnity, which had been religiously observed ; but there

* "The duke acquainted me with this scheme. He disliked it much. He thought this would raise the church party too high. He looked on them as intractable in the point of popery." Burnet, vol. i. b. 3.

† Ralph's Hist. of England. Burnet's Hist. of his Own Time, vol. i. b. 3.

was no reason for leaving the kingdom exposed to the machinations of bad men. Though it was not fit to make the parliament perpetual, yet it was a less evil than to incur the hazard of a bad election, and when a good constitution was in danger, it was prudent to preserve it by all precautionary methods. No man was compelled to take the test, but those who were not willing to give a pledge of their affection to the government should be contented with its protection without aiming at any share in its administration.

A. D.
1675.

The bill was opposed by men of different sentiments in religion, and by men of no religion at all. By the papists it was disliked, because they foresaw that this test, if carried, would lead to another, by which they would be excluded from parliament. By all who were, or who wished to be thought the friends of civil and religious liberty, it was still more warmly reprobated. At the head of the band of patriots was Shaftesbury, seconded by Buckingham, Hollis, and Halifax. They said of the bill, that no conveyancer could have drawn up a dissettlement of the whole birth-right of England in more compendious terms. There ought to be no tests in elections of representatives, but the oath of allegiance, and in public assemblies all tests were contrary to public liberty. If parliament thought any law inconvenient or detrimental, it was free to propose an alteration, and no previous limitation could bind the legislature. Oaths and tests were not only mischievous, but they were no security: the scrupulous might be fettered by them, but the generality of mankind would blindly take a test.

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and as fearlessly break it. The matter of this test was objectionable ; to swear that it is unlawful to take arms against the person of the king, is generally, but not universally, the same as to deny the unlawfulness of resisting his authority. There might be instances when the royal person and the royal power must be separated. An infant king or a lunatic were exceptions, as was a king in the hands of his enemies. It was not less unreasonable to swear, not to attempt any alteration in the existing government. Every new law was an alteration, and it was not easy to define how far the power of making alterations might be allowed to go, and where it ought to stop.

In the opposition Shaftesbury went beyond the rest of the patriots in his boldness of illustration, and in the application of his argument. On no occasion were his eloquence and acuteness so forcibly exerted. He pointed out in strong colours the absurdity of condemning all resistance upon any ground whatsoever. It might be proper to impose this test on those who had military appointments, or on the members of corporations, because there was still a superior power in parliament to declare the extent of the oath ; but it was an act of political suicide to impose such an oath on the legislature. There might be cases, though he did not mean to say that they were likely to occur, in which no man could be rash enough to say that resistance would be unlawful. If a king wanted to make England a province or a dependency on France ; if he endeavoured to enslave his country by calling in the assistance of a

French or any foreign army ; if he attempted to bring it into subjection to the authority of the pope ; in all these cases no man would say that it was unlawful to resist. A. D.
1675.

Never in the records of parliament had any measure of legislation occasioned such a fierce and protracted contest. Five days of animated debate preceded its committal ; sixteen or seventeen more were consumed in the committee, the sittings being continued till late in the evening, or even till midnight. It was discussed paragraph by paragraph, and on each paragraph a question was raised, and though the court gained every step, at every step thus hardly gained a protest was recorded. The bill would have been carried according to all fair calculation, if the tempestuous violence of the two houses on a question of privilege had not rendered a sudden prorogation of parliament indispensable. The ministry had not June 9. sufficient strength to renew the question ; and the debates in the house of lords having been published, with a view of inculcating the court and hierarchy, were ordered to be burnt.

It is certain that the king was friendly, and that the duke was hostile to the nonresisting oath, and that the king, to advance his power, would willingly have assented to it, even though accompanied with a disclaimer of making any alteration in the church. The fact is rendered indisputable, from the proposal of conciliating the protestant dissenters having been abandoned by the government, and therefore pressed earnestly by the opposition. In the next session Buckingham October. having been changed into a patriot from a

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courtier, moved for leave to bring in a bill of toleration in the following strain: "My lords, there is a thing called liberty, which, whatsoever some men may think, is what the people of England value most, from which they will never part, and that which the king in his speech has promised to regard with especial care. This, my lords, can never be secured without giving an indulgence to protestant dissenters. It is certainly a very uneasy kind of life to any man who has either Christian charity, humanity, or good-nature, to see his fellow subjects daily abused, divested of their birthright, and miserably thrown out of their possessions, only because they cannot agree with others in some opinions and niceties of religion, to which their consciences will not give them leave to consent, and which, even by the confession of those who would impose them, are in no way necessary to salvation."

This speech was entered on the journals of the commons, and the house of lords granted leave to bring in the bill, but it shared the fate of the non-resisting oath. It was lost by the sudden prorogation of the parliament, and was never renewed, till it was established on a firm basis, and on it was raised the fabric of the British constitution.

At the opening of this session the king laid before the commons the great difficulties under which he laboured from the anticipation of his revenue, and it was generally thought that his necessities would oblige him to resort to other counsels, if parliament refused to grant supplies. But the money bill was rejected by a small major-

riety, and the dispute between the two houses on the question of privilege was renewed.

A. D.
1675.

The refusal of the commons to grant the supplies, and their obstinacy on the question of privilege, induced some of the lords to propose an address to the king for a dissolution of the parliament. It was said that a parliament of long continuance would be an engine used by the crown for the destruction of English liberty, or would oppose the crown factiously in order to gain popularity. In either case it would be detrimental to the constitution. To the surprise of all, the duke of York joined in the address, but the bench of bishops being opposed to it, the motion was negatived. A prorogation ensued for fifteen months, which occasioned a question, whether so long a prorogation did not amount to a dissolution.

Despairing of obtaining pecuniary aid from a November. refractory house of commons, Charles resorted to his ally the king of France. The honest spirit of Danby could not bend to this disgraceful conduct, and while his sovereign was privately receiving French money, he openly inveighed against the French interest. In spite of the wants of Charles, and his baseness in supplying them by such means, Danby gained that ascendancy in the councils of England which his integrity demanded, and his successful administration warranted. It required all his skill and all his probity to restore the sinking credit of the nation, and he effected his object, not by crouching to France, but by opposing French influence and principles. Popery and arbitrary power were evils against which he con-

CHAP. stantly declaimed, and which he sincerely laboured
 VIII. to avert.

1676. Supported by Nottingham, who in this critical time held his high station with general approbation, with a fair degree of confidence from the king, and without any suspicion of undue compliance in the parliament, Danby sought to strengthen the ecclesiastical establishment by a conscientious disposal of ecclesiastical patronage. In the height of his power, a vacancy occurring in the see of London, he succeeded in promoting to this situation of influence in the church Compton, a brother of the earl of Northampton. This person, after

Trans. from having received an academical education in Oxford, and having made the tour of Europe, embraced a military life. But his disposition inclining him to a life of peace, he entered into holy orders at the age of thirty. Such an education was not likely to furnish him with any high degree of theological knowledge, and in fact his learning was superficial. But his taste was not despicable, his love of natural history was strong, and, which was more to the purpose, his assiduity in the discharge of his episcopal functions was exemplary. In his opposition to the nonconformists he exhibited great zeal, and perhaps it was "a zeal without knowledge;" but he did more than confute them by argument, he shamed them by his indefatigable diligence in his pastoral duties. He was not less an enemy to popery than to nonconformity; he was the patron of converts from the church of Rome among his countrymen, and of those foreign protestants who sought refuge in England from its tyranny. The frequent oppor-

A. D.
1677.

tunities of access to the king to which his station entitled him, enabled him to prefer his complaints of the general insolence of the papists, and the extraordinary arrogance of Coleman, the duke's secretary; and so powerful were his representations, that the king insisted on Coleman's dismissal. To preserve the protestant succession, he was solicitous to keep the heirs to the crown in the profession of the protestant faith; he caused the princesses Mary and Anne to be instructed in Christianity, and administered to them the solemn rite of confirmation. If Compton merited the emphatical appellation of the protestant bishop; if he possessed uncommon spirit and resolution at a crisis when these qualities were more useful than profound learning; let the patron of Compton have his share of the praise; let the promotion of Compton be adduced as an evidence of the sagacity of Danby, and of his regard for the protestant religion.

When the parliament once more assembled after its long prorogation, the question was raised whether it was not virtually dissolved? By the common law or custom of England, a parliament was to be holden "every year," and hence it was inferred that a parliament, which had intermitted its sittings during the whole of the preceding year, was in fact dissolved. Shaftesbury was at the head of the party which espoused this side of the question, and which, if his patriotism had been pure, he would not have agitated. He must have foreseen that the commons would be incensed at this discussion, and that to dispute their right to be considered as a part of the

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legislature would bind them more firmly to the crown, and incite them to undue compliance with its measures. This question was not long in being brought to a decision, but a second originated from it, whether those peers who had agitated it were not liable to censure? This question was in two days decided, but not in the manner which Shaftesbury expected; for, notwithstanding the opposition of Halifax, it was carried affirmatively, and Shaftesbury, together with three other peers*, was sent to the Tower.

The debate on the legality of parliament had the effect in the house of commons which had been anticipated, for they were inflamed against Shaftesbury and his adherents. They cheerfully voted supplies, and, to meet the exigencies of the state, renewed some unpopular taxes which were on the point of expiring. But, with the exception of this too ready compliance in the profuse expenditure of the crown, the session was highly popular and highly useful. The protestant cause was supported, religious liberty was asserted, and the French interest was opposed by espousing the side of Holland. An address was presented to the king on the growth of popery; a bill was brought in for the security of the protestant religion, by educating the children of the royal family therein; and the punishment of burning for heresy was abolished. These acts, the result of enlarged views, were chiefly the acts of Danby. An agreement there certainly was between Danby and the duke of York, but it was such an agree-

March 15.
20.

* Duke of Buckingham, earl of Salisbury, lord Wharton.

ment as admitted no compromise of the protestant religion; it was the ascendancy of a superior mind over one which is inferior; and the repeal of the sanguinary punishment of heresy, though supported by the duke of York, belongs to the lord treasurer, not to the heir presumptive.

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To crown the policy of Danby, and to give perpetual security to the protestant religion by opposing a bar to the predominating influence of France, a negotiation was begun, and, contrary to all expectations, was brought to a successful issue; namely, an alliance between the eldest daughter of the duke of York, and William, prince of Orange. Nothing seemed more improbable than such an event, especially at such a time, though it was earnestly desired by all protestants at home and abroad. But, in spite of the insuperable difficulties which appeared to prevent such a measure, it was accomplished by the prudence and perseverance of Danby. The king was first gained by this sagacious minister; he forcibly represented that such a marriage would be for the interest of the reigning sovereign, and still more so for the heir presumptive. The people were now possessed with an idea that the next heir to the crown was a papist, and were apprehensive of the consequences to their liberties and religion; but, if they saw the daughter of the presumptive heir married to a prince who was at the head of the protestant interest, their apprehensions would be quieted. They would be convinced that his religion was personal, and not political. The duke of York was at first

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astonished and mortified at the proposal, but the persuasions of the king induced him to give his consent, and to give it with seeming cordiality. The intelligence was received throughout the nation with expressions of the most lively joy, a joy which was heightened by its contrast with the gloom which pervaded the comparatively few who adhered to the French interest and to the religion of the church of Rome. How important this event was in laying the foundation of civil and religious liberty, was fully known at this time. The duke of York well knew its consequences, and he knew its author, for he never pardoned Danby.

Nov. 4. A marriage which diffused such unfeigned satisfaction throughout the nation, was followed

Nov. 9. almost immediately by a loss which spread general grief over the church. Full of years and honour Sheldon died, and for the close of his life has been reserved a survey of his character and of his conduct in his exalted station.

Sheldon was early known in academical life, and joined the literati who assembled at the conversations of the accomplished Falkland in the vicinity of Oxford. In "learning, gravity, and prudence," he was not inferior to his contemporaries, but he excelled them in a polished urbanity of manners, arising from Christian benevolence. "Pleasant he was, perhaps too pleasant," is the remark of a splenetic writer; but it is difficult to say how that pleasantry can be excessive which never violates morality or decorum. The dignity belonging to his station Sheldon maintained with exemplary consistency, and calumny itself has

never dared to impeach his Christian purity. His demeanour was as ingratiating as that of his sovereign, without incurring a similar suspicion of insincerity; and he had all the firmness of Clarendon, unallayed by the cold and repulsive manners of that lawyer and statesman. His piety was undoubted, but though he was assiduous at prayers, he regarded not the practice of divine worship so much as its use, placing the sum of religion in a good life. His advice to the youth of higher quality, who constantly resorted to him by the advice of their parents, was always this: "Let it be your principal care to become honest men, and afterwards be as devout and religious as you please. No piety will be of advantage to yourselves and to others, unless you are moral and honest men*."

A. D.
1677.

Next to his piety ought to be mentioned his learning, which the same writer who has detracted from his other excellences, has allowed to have been acknowledged "before the wars." The learning which he was known to possess before the wars was not likely to be diminished by the return of peace. It was then also acknowledged by all who knew him, and though it was not of the highest degree, nor of the largest extent, yet he had sufficient learning to appreciate and to cherish learned men. He was not a profound metaphysician; he did not, like many of his contemporaries, engage in opposing the speculative principles of infidelity; but if he

* Parker's Hist. of his Own Times. It was a constant saying of Sheldon, "Do well, and be merry."

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VIII.

did not confute, he was able to live down many
"Leviathans*."

But the name of Sheldon will live in the grateful recollection of posterity for that virtue which will continue when "tongues shall cease, and knowledge shall vanish away." Truly may his charity deserve the epithet of Christian, for as in its measure it had no bounds but the extent of his revenues, so in its objects it had no other limits than "the household of faith." It was not only vast, but various; it was not only practised in splendid munificence, but in silent and secret bounty. It was employed, not only in raising the stately edifices consecrated to learning, but reached even the pallet of the lazar, and the dungeon of the captive †.

United to Clarendon by the ties of early friendship, and by similarity of principles, the memory of Sheldon and Hyde is still associated in that seat of learning which they both adorned, and which they both loved. To this day those venerable edifices remain, illustrative of the exalted characters whose names they bear, of kindred appropriation, and of rival grandeur. Yet they stand, and may they long stand, monuments of learning consecrated by religion, and of liberty guarded by law.

* Echard, in his dedication of his Second Dialogue against Hobbes.

† He expended in public and private benefactions not less than 63,000*l*.

CHAPTER IX.

Oates's Plot.—Test Act for Members of Parliament and others.—Earl of Danby impeached.—Question respecting the Right of Bishops to vote during Trials for High Treason.—Petition for assembling Parliament.—Whigs and Tories.—Sketch of Gilbert Burnet.

No event was better calculated to develop the views of the court, and their designs on the protestant religion, than the vacancy of the metropolitan chair. The selection of Sancroft, in preference to the other bishops, could not but excite a suspicion that they were not to be trusted, and the character of the individual who was the object of promotion was not such as to allay the suspicion. Sancroft was raised from the deanery of St. Paul's to the primacy of all England. Totally opposite in character to Sheldon, he resembled him only in having commenced his progress towards ecclesiastical dignity in a university. He had been formerly the master of Emanuel college in Cambridge, and he was better suited to a college than a court. His piety, though undebaſed by ſuperſtition, was that of a recluſe; his learning, though conſiderable, was that of a pedagogue. Succeeding to the primacy after Sheldon, he can be compared only to the retired Adrian following in the pontificate the magnificent Leo. His greateſt vice was avarice, but avarice was not ſtrong enough to prevail over his

A. D.
1678.

January.

CHAP. integrity. The supposition is neither improbable
IX. nor unfair, that he was promoted because he was not likely to be active, and it was presumed that a man of so contemplative a temper would not counteract the political views of the court. He was also known to entertain high notions of royalty, and to inculcate the courtly doctrines of passive obedience and nonresistance.

No sooner was the nation united by an alliance with Holland, and a peace concluded at Nimwegen between the French and the confederated powers, than the nation was convulsed by a series of plots both protestant and popish. The first in order of time was the popish plot, represented as a conspiracy to introduce popery, and to extirpate the protestant religion. The conspirators were said to be the pope himself, cardinal Howard, his legate, and the generals of the Jesuits in Spain and at Rome. Its object was to assassinate the king, and to call the duke of York to the sovereignty; but he was to receive the crown as a gift from the pope, and to hold it as a fief of the holy see. The evidence by which this plot was substantiated depended on Titus Oates, a man who had been successively an anabaptist, a conformist, and a papist, and at this time was a conformist again. He had been known to be guilty of perjury before he engaged in the occupation of an evidence, for evidence with him was in turn a trade.

The whole metropolis was inflamed by this discovery, and the murder of sir Edmundbury Godfrey, a zealous and active magistrate, increased the popular phrensy. This event was deemed a stronger

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evidence of the reality of the plot, than the dispositions of the exceptionable witnesses who vouched for it; but joined with their testimony, the fact was considered incontrovertible. So great was the alarm, that a considerable number of the trained bands were drawn out on every night, watching with as much care as if a general insurrection was expected before the morning. The general topics of conversation were designed massacres to be perpetrated by assassins ready for the purpose, and by recruits from abroad. A sudden darkness on the Sunday following the murder of sir Edmundbury Godfrey was looked upon as awfully ominous. Young and old participated in the panic; not a house was unprovided with arms, and no one retired to his bed at night, without the apprehension of being roused from it by some tragical event*. This feverish state of the public mind was kept up, not for a few days, but for many months. The pageantry of mock processions, employed on this occasion, heightened the aversion to popery, and the resentment against the supposed conspirators.

The king, whose sagacity was unquestionable, regarded the plot in the same light in which it is now generally regarded†, as the manœuvre of Shaftesbury. The king naturally said; "It is

* Calamy's Life.

† Hume says, "There are three sorts of men who are not to be argued with, but left to their own prejudices; a Scotch jacobite, who believes in the innocence of Mary; an Irish catholic, who denies the truth of the Irish massacre; and an English whig, who believes in Titus Oates's plot." The modern English whigs do not believe in it.

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not probable that the papists should conspire to kill me, for have I not been sufficiently kind to them?" The answer of Halifax, to whom the king addressed himself, was smart, but not conclusive*; for the silent and gradual advances of Charles were more likely to facilitate the designs of the Romish church, than the abrupt and hasty progress of his brother.

It was on the eve of an approaching session that this plot was contrived, and the temper in which the parliament met may be easily imagined. Oates made his appearance at the bar of the house of commons, and the importance which he had acquired increased his insolence and vanity. He denounced several peers and commoners as the creatures of the pope, and as holding commissions under him which they were to act upon in the meditated revolution.

A vote was speedily passed by the commons, that there was conspiracy carried on by popish recusants against the life of the king and the protestant religion. Coleman, the duke of York's secretary, and five Jesuits, were executed, and five Roman catholic peers, Stafford, Powis, Arundel, Petre, and Bellasis were ordered into custody. A proclamation was issued against papists, and, as a climax, the king was addressed to remove the duke of York from his councils.

While the examination of witnesses on the popish plot was still going on, and while preparations were making for the trial of the conspirators, a bill was brought into the house of com-

* " You will only trot, and they want a prince who will gallop."

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mons, requiring all members of parliament, and all such as came into the king's presence, to take a test against popery, in which not only the doctrine of transubstantiation, but also the worship of the Virgin Mary, and the invocation of saints, were renounced, and declared to be idolatrous. The bill passed through the house of commons without difficulty, but in the house of lords Gunning, bishop of Ely, maintained that the church of Rome could not be justly charged with idolatry. He was answered by Barlow, bishop of Lincoln, and the house of lords, regardless of theological scruples, passed the bill. Though Gunning had raised this objection, and had said that he could not conscientiously take the test, yet when it became a law, he took the oath in common with the rest of the house. An intimation from the duke of Norfolk, a Roman catholic, before he submitted to the operation of the law, recommending strictness and impartiality in its enforcement, was recorded in the journals with approbation*.

The enactments of the statute† were general, and consequently were intended to include the duke of York, or perhaps the law was made principally against him. But he attended in his place during the debates, and moved a proviso in favour of himself. He spoke on the occasion with great earnestness, and with tears. In a tone of abject supplication unbecoming his birth, he cast himself on the favour of the house, for the most important concern which he could have in this world.

* Journals of the Lords, vol. xiii

† Stat. 30 Car. II. c. 1.

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He dwelt long on his duty to the king, long on his zeal for the prosperity of the nation; and solemnly protested, that whatever his religion might be, it should be only a private matter between himself and his God, and that it should have no influence on his government. The proviso was carried in favour of the duke by two votes only, and contrary to general expectation it was carried in his favour by the house of commons. Had it been negatived, he must have been removed from the royal councils and presence*.

Yet though the duke had gained this proviso, so great was the dread of popery, and of its advancement by his accession to the throne, that rumours were prevalent of bringing a bill into parliament for his exclusion. The king thought it necessary to come to the house in person, and to give his solemn assurances that he would consent to any bills for the security of the protestant religion, provided they did not impeach the right of succession, nor the descent of the crown in the true line, over the rights of any protestant successor.

While Shaftesbury had succeeded in diffusing throughout the nation a dread of popish machinations, and of a popish successor to the crown, he was carrying on the project of removing Danby from the councils of his sovereign. The zeal of this minister for the protestant religion was confessed; his opposition to the influence of France was notorious; but the patriots of the house of commons ventured to question both. His agree-

ment with the duke of York was the only proof against his being a sincere protestant; and a letter written by him to Montague against his own conviction, but on the command of the king, was the evidence of his devotedness to the policy of France. After a long debate, it was voted by a considerable majority, that Danby should be impeached of high treason. But the house of lords refused to commit him on a charge which even if true was not treasonable*.

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1678.

The conduct of the commons respecting the popish plot, and its attack on the character of Danby, induced the king to resort to his old expedient of a prorogation. Nearly eighteen years had now passed since the present parliament had been summoned, a period only equalled by the duration of the long parliament. This parliament is known in history by a far more disgraceful epithet, for it has been termed the pensionary parliament. With what justice the title has been awarded, the preceding narrative can assist the reader in determining. If pensions were given by the court to secure a majority of the commons in a cooperation with its views, never were pensions so uselessly bestowed. From its first session, when it passed the Corporation Act, to its last, when it passed the act for excluding papists from parliament, the religious policy of the commons was diametrically opposite to that of the crown.

Often had the king resisted public addresses and private advice, offered from different quarters

* The misrepresentations of Burnet on this subject are too glaring to be imputed to any other cause than malignity.

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for its dissolution; but its late temper induced him to listen to the advice of the minister at the head of his councils, and to pronounce its dissolution. Danby, without any derogation from his merit, might advise this measure, because he saw in it a chance of getting rid of his impeachment, which had been voted by so large a majority of the commons. The duke of York seconded the advice of Danby, because the commons had shewn such hatred of the Romish religion, and such inveterate hostility against himself.

1679. A new parliament disappointed the expectations of the king, the duke of York, and the prime minister. Danby had persuaded the obnoxious heir of the throne to leave the kingdom; and though the advice was not unwise, yet it opened the way to the pretensions of a rival claimant in the king's natural son, the duke of Monmouth. These pretensions, set forward by Shaftesbury for his own sinister ends, were encouraged by many from purer motives. In all its supporters this measure was impolitic, but in Shaftesbury it was wicked. Monmouth had neither personal excellence nor public services which could compensate for his illegitimacy, and entitle him to supplant "a princess of known virtue, and attachment to the protestant religion*."

Vain were the signal services of Danby in the protestant cause to protect him from parliamentary censure; vain was the eloquence of Nottingham in magnifying the public spirit of the king, who had given up the society of an only brother,

* Hallam's *Constit. Hist.* vol. ii. pp. 300, 301.

to impede a bill of exclusion. The genius of Shaftesbury was in the ascendant, and obscured the lustre of all the other satellites in the political horizon.

A. D.
1679.

To anticipate the effects of an impeachment Danby procured a royal pardon, to which the chancellor honestly refused to affix the great seal, and therefore the seal was affixed by the king himself. In the language of Nottingham, the instrument did not pass through the ordinary methods of production, but was the immediate effect of the king's power of creation.

Such an exertion of the prerogative in favour of an unpopular minister only heightened the resentment of the commons; and it occasioned the discussion of the question, whether the royal pardon, when pleaded in bar of an impeachment, was good in law. It was argued on the one hand, that a pardon antecedent to any impeachment was a contradiction, for a pardon presupposed a condemnation and a judicial sentence of punishment. If such were now the established law, corrupt ministers would act with boldness when they saw that their offences would escape, not only with impunity, but without animadversion. On the other hand it was contended that the power of pardoning was an undisputed prerogative of the crown; on this sacred trust the law had fixed no limitation or restraint, though its abuse might require a law for its regulation. A middle way was proposed, which would evade the force of the pardon, without any derogation from the prerogative; and this was the introduction of a bill for the banishment of Danby.

CHAP. IX. It was passed by the lords, but it was received by the commons with anger, and rejected, and instead of it a bill of attainder was brought in.

1679.
February. At this crisis, in the absence of the duke of York, and in the plenitude of Monmouth's favour, the cabinet was changed. Shaftesbury was recalled to power, and constituted president of the council; Sunderland, the ambassador to France, was made secretary of state, and the treasury was put in commission, at the head of which was placed the earl of Essex. Nottingham alone remained of the former cabinet, who might have been something of a temporizer, but whose compliance with the times was not unbounded*.

Scarcely was the new cabinet formed than it became divided; Shaftesbury,

Unpleas'd in power, impatient of disgrace,
soon discovered to his colleagues his insatiable ambition, and the bold design which he had formed of elevating the weak but amiable Monmouth. Essex, Sunderland, and Halifax united themselves against a man whom despotic rule alone would content, and who manifested an intention of subverting the constitution of England. The point on which the division in the administration took place, was concerning the securities which the king should offer to the nation in the event of the duke's succession. Essex and Halifax proposed such limitations on his authority as might disable him from subverting the government in church or state. Shaftesbury dissented

* Walpole's Catalogue of Royal and Noble Authors, vol. ii.

from the proposition altogether, and proposed the exclusion of the duke, and calling the next heir to the throne. This was nothing more than a disinherison, which the king and the parliament were competent to effect, not less than a private individual in the disposal of an estate. The king joined the triumvirate, Essex, Halifax, and Sunderland, in resisting the exclusion. The chancellor, in obedience to the commands of his sovereign, submitted to both houses of parliament the proposed limitations, but no expedient of this kind would satisfy the commons. A bill of exclusion was brought in; it was even read a second time, and committed by a majority of seventy-nine.

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1679.

The measure of exclusion occasioned a division in the cabinet only; but the prosecution of Danby caused a breach between the two houses of parliament. The bill of attainder passed against him in the commons was sent up to the lords; but when it had gone so far as the third reading, he surrendered himself, and demanded to be brought to a trial. But even then, without attempting any defence on the merits of the case, he pleaded the royal pardon at the bar of the house of lords; and the commons, having put in their objections to the legality of the pardon, demanded a trial and judgment.

In the progress of the trial, a question of great interest to the temporal rights of the church was agitated; whether the bishops had a right to vote during the preliminaries of a trial for high treason. It was argued in their favour, that though the bishops did not vote at the final judgment, yet they were entitled to vote on all previous

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questions. The legality or illegality of a royal pardon was undoubtedly a preliminary, though, if the legality of a pardon were admitted, the trial would not proceed.

The right of the bishops to vote throughout the preliminaries was maintained in the house of lords by Nottingham and Roberts. They contended that the bishops constituted one of the three estates of parliament, and that they ought to have a share in all parliamentary transactions; that as the temporal lords transmitted their honours and fees to their heirs, so the spiritual lords transmitted their dignities to their successors. The bishops sat in parliament in a double capacity, both as they were prelates of the church, and also as they were barons of the realm. In the times of popery, when the clergy endeavoured to withdraw themselves from the jurisdiction of the king's courts, parliamentary attendance was deemed, instead of a privilege, a burden, and a badge of ecclesiastical servitude. But the Norman kings would not dispense with this service. The Constitutions of Clarendon recognised this obligation; for they were not intended truly as restraints on the usurped immunities of the clergy, but also as sanctions on the performances of their temporal duties. The liberty of withdrawing in judgments of life and death was an indulgence conceded to the bishops at their request, their presence on such occasions being deemed contrary to their character and to the canons; but it was not granted as a dereliction of any right, but as a favour. Still they always possessed a right, and exercised it, of naming a proxy; and before

they withdrew, this proxy entered a protest saving their right to sit. So that their absence was either voluntary, or it was a concession in their favour; it ought not therefore now to be insisted on to their prejudice; it was not to be construed as a restraint imposed on them by the king or the law of parliament. The words of the Constitutions of Clarendon implied that the bishops should sit during the trial until judgment was pronounced, and consequently they might vote on all the preliminaries.

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The opposite side of the question was supported by Shaftesbury, Essex, and Hollis. They contended, that even if the bishops constituted one of the three estates of parliament, still they were not entitled to sit in judgment on the temporal lords as their peers; since if they were themselves to be tried for treason or felony, they were to be tried by a jury of commoners. Their honours were not hereditary, and therefore it was not proper that they should sit in judgment on those who were ennobled by blood. The difference between a personal and an hereditary peerage disqualified them from sitting in judgment on temporal lords, though they constituted a part of the house in regard of legislation and appeals. The words of the Constitutions of Clarendon must relate to the whole trial as one entire proceeding, though the proceeding might be composed of many parts and particulars; and since the final judgment was often regulated by the preliminaries, the right of voting on the latter was equivalent to a right of voting on the former. Whatever might be the occasion which led to the

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enactment of the Constitutions of Clarendon, yet it affected not the meaning and the force of these Constitutions, or the customs derived from them ; and the custom of parliament, which is the law of parliament, has been against the right of bishops to sit on the trial of a temporal peer. With regard to the usual protest entered by the bishops before they withdrew, it was only in bar to any proceeding of the lords in other matters during their absence.

The matter was argued not only within parliament but out of doors. Stillingfleet on this occasion gave a proof of his ability both to throw a light on any subject and to bring together new materials on a subject which had been already discussed. He published a treatise on this question, which discovered more skill and exactness than any which had been previously written, and it tended to bring the matter to an issue. He put an end to the controversy in the judgment of all impartial men, and proved, beyond reasonable objection, the right of the bishops to vote in the preliminaries of a trial, both from the literal meaning of ancient records, and from the spirit of the English constitution.

With the opinion of Stillingfleet, and the suffrage of most impartial judges, the decision of the house of lords coincided ; but this decision influenced the commons to refuse any farther proceeding on the trial, unless the bishops consented to withdraw. The king had resolved to maintain the legality of Danby's pardon, and the integrity of his prerogative in this respect ; and he would not venture to leave the matter to the decision of

the temporal lords. "Adhere to me and my prerogative," was his language to the bishops, "and I will support you in the hour of danger." Happy would it have been for himself, happy for his people, if the prerogative had been always interposed in so just a cause.

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Often had Charles experienced to his mortification that the prerogation of parliament, to which he always resorted when difficulties oppressed him, tended only to delay, not to repress discontent. Having therefore prorogued the session, June, to extricate himself from the bill of exclusion and the impeachment of Danby, he resolved in his own mind, and submitted to his council, whether, instead of a new session, he should not have recourse to a new parliament. On this, as well as on the two main questions, his cabinet was divided. Essex and Halifax declared in favour of a dissolution, but Shaftesbury was strongly opposed to such a step. He truly said that the crown had never gained any advantage by parting with a parliament in anger; that in all probability the same members would be returned in the next election; and that they would meet with determined hostility against the king and his government. Charles followed that advice which was most accordant with his own inclinations; and the adoption of such advice was followed by an open rupture between Halifax and Shaftesbury, and a confirmed disgust in Shaftesbury towards the king.

A rebellion having burst forth in Scotland, Monmouth was placed at the head of an army to suppress it; and although his conduct was marked

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by prudence and courage, yet it was animadverted upon by the friends of the duke of York. Rumours of Monmouth's attempts to ingratiate himself with the people, and of Shaftesbury's project of altering the succession, were not slow in reaching the individual whom they were designed to alarm. In consequence of a real or feigned sickness of the king, James was sent for secretly. He came in disguise, and the king having been pronounced out of danger even before his arrival, the royal command was interposed for his removal. He acquiesced tardily, and not without a stipulation, that Monmouth should be removed from all military command, and share a similar punishment of expatriation.

The representations of the party which adhered to James had so far improved their interest with the king, that he was prevailed on to postpone the meeting of the new parliament. The great body of the people was convinced that the legislature on its meeting would immediately attempt to regulate the succession, and therefore the period was anticipated with sanguine hope. Petitions from both the city and country, praying that parliament might be called together, were presented, which the king received with great displeasure, telling the petitioners that he was the sole judge of what was proper to be done in this case. "You would not take it well," he said, "if I should meddle with your affairs, and I desire you will not meddle with mine." Monmouth, contrary to the king's order, returned to England, and went through many parts of it, courting the affections of the populace. Shaftes-

bury, though he still held his office, incited the people to petition for a parliament, to secure the king's person and the protestant religion.

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Methods, which cannot be justified, were adopted to repress these petitions ; a proclamation was put forth, forbidding all loyal subjects to subscribe them ; warrants were issued against some of the petitioners, and indictments were preferred against others. But an unexceptionable mode of counteracting the addresses for the meeting of a parliament was also adopted, by presenting counter-petitions, expressing a detestation and abhorrence of the late petitioners, and of their seditious practices, and leaving the time of convoking the parliament to the sovereign pleasure of the king. The promoters of addresses for the meeting of parliament, and the abhorers of such petitions, were the rallying point for the two great parties of the nation ; for those two parties, in which every nation, under every form of government, will always be divided. These two parties, the revolutionary and the conservative, " the prejudice of the one being in favour of innovation, that of the other on the side of establishment *," at this period assumed the denomination of WHIG and TORY. Each of these terms is exotic, the one of Scottish, the other of Irish growth, but, transplanted into England, they have flourished with rank luxuriance.

In their religious policy the whigs were what is called low churchmen ; not, as one of their enemies wittily says †, because they were so hum-

* Dr. Johnson, *Life*, vol. iv.

| Dr. South

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ble as to be satisfied with a low station in the church, or to resign its emoluments if in their possession; but because they wanted to reduce the spiritual authority of the church as low as possible. They were loud in their clamours, though truth compels the abatement, that they were not strong in their arguments, against popery. They thought, though they did not always express the sentiment, that the church of England was not removed far enough from the church of Rome, and as "No peace with Rome" was their watchword, they were strenuous advocates for the comprehension of all sects under the term of protestants, in contradistinction to papists. The clergy of this persuasion, who still remained in the communion of the church, were known by the name of latitudinarian divines. The laity of this party, comprising a heterogeneous class, under which infidelity found shelter, were remarkable at this period for their exertions in promoting the bill of exclusion, with the professed object of its securing the protestant religion. Hence their adversaries charged them with deistical and republican principles.

The tories, or the high churchmen, stood on the side of the prerogative, and were for advancing the king above the law. So exalted were their notions of the duty of Christian obedience, that they placed no bounds to its extent, and adopted into the vocabulary of Christian theology a Mohammedan principle, called by the names of *passive obedience* and *nonresistance*. They were opposed to the doctrines of the church of Rome, and also to its assumption of infalli-

bility, but they considered nonconformity as great an evil as popery. They were not disposed to give the right hand of fellowship to the motley sects who ranged themselves under the protestant banner. They did not scruple to compel the dissenters to conformity by penal laws. At this crisis they were strongly opposed to the exclusion of the lawful heir, even though he was a papist; for while they denied the lawfulness of resistance in all cases, they considered resistance in the highest degree sinful in defence of religion.

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It would be improper to omit, for all men must admire, the remark of a statesman *, whose life was devoted to one of those great parties, but whose candor predominated over the narrow views and contracted feelings of a party spirit. The great strength of the whigs at this time consisted in their being able to brand their adversaries as favourers of popery; that of the tories, as far as their strength depended upon opinion, and not upon the power of the crown, in their finding colour to represent the whigs as republicans.

Moderate men, and moderation is truly Christian wisdom, to whichever of these sides prejudice, or interest, or conviction may incline them, will not impute bad motives to those by whom they are opposed. "A wise tory and a wise whig will agree†." The whig will be the friend of order and of law, for with him law is higher than kingly authority; and the constitution of a country being once settled upon some

* Fox's Hist. of James the Second.

† Johnson, Life, vol. iv.

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compact, tacit or expressed, he will consider that it cannot be unsettled either without the consent of all the contracting parties, or a violation of the covenant. He will maintain that, if the people are taught to think lightly of their engagements to their governors, they teach their governors an evil lesson against themselves*. A tory, however attached to prerogative, will be favourable to liberty; for power is entrusted with the king, not for his own benefit, but for the general good. Though he regards obedience to civil government as a sacred duty, yet he knows that even the most sacred duties have their limits. Though he deprecates the inculcation of that dangerous doctrine, the right of resistance, yet he refuses not to acknowledge that, if the abuse of power be enormous, "nature will rise up, and, claiming her original rights, will overturn a corrupt government." However the whig and the tory may differ concerning the origin of civil government, yet they will agree to differ on what is at best but a theory; and they are convinced by fatal national experience, that a theory concerning it may be the cause of fanaticism, as much as a dogma in religion†.

But whatever forbearance may now subsist between parties, whom the fatal consequences of political contention may have instructed, the reign of Charles the Second was peculiarly favourable to the formation of factions, and to the growth of religious and political animosity. The clergy

* Burke, Appeal from the New to the Old Whigs. Works, vol. vi. pp. 200, 201.

† Appeal from the New to the Old Whigs, vol. vi. p. 239.

were exposed at this time more particularly to popular fury, and to popular misrepresentation. They were traduced as men who were the blind worshippers of hereditary monarchy, and its companion, arbitrary power; for which they would sacrifice even the protestant religion. When the act which restrained the freedom of the press had expired, its licentiousness exceeded all bounds. The dissenters acted with the greatest imprudence, attacking not only the clergy, but what could be attacked with less safety, though with more justice, the king and his court. The clergy certainly retorted in language too closely resembling that of their adversaries, and applied themselves to expose the seditious writings of the dissenters.

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The chief manager of the controversy on the part of the court was however not a clergyman. Sir Roger L'Estrange was the sole licenser of the press while the press was under restrictions, and his office not only enabled him to stifle the productions of his opponents, but his pen, which, however venal, was not the less powerful, was wielded in defence of the church and monarchy. He had been the victim of his attachment to the royal cause in the civil wars; and his sufferings had so highly exasperated his temper, that he made reprisals on the whole body of republicans and sectaries. In a periodical paper called the *Observator*, he denounced the religion of the dissenters as a medley of folly and enthusiasm; their opinions and tempers as turbulent, seditious, and utterly inconsistent with the peace of the state; their reasons for nonconformity as at best fri-

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volous, and often hypocritical. He possessed copiousness, but not delicacy of language; violence of sarcasm, but not strength of reason. But he is said to have furnished the clergy with materials for their pulpit harangues, which they were accused of using with equal readiness and indiscretion.

With regard to the part which the clergy acted in this critical time, when the nation was in equal danger of arbitrary power or anarchy, one of their own body, but one not inclined to palliate the infirmities of high churchmen, has remarked, that though some might be driven into extravagancies either through provocation or natural warmth of temper, yet there were many whose lives and labours rescued the church from such reproaches. These attempted to confute their adversaries, and to bring them back to the church by argument and persuasion*.

And though an overwhelming majority of the clergy ranked themselves on the side of monarchy and prerogative, in opposition to the whigs and sectaries, yet there was a small but not contemptible band, whom whigs and sectarians were at least contented to exempt from the charges of bigotry and persecution. Of this party Tillotson might be called the nominal head, but a far more efficient and active adherent was Gilbert Burnet.

Nat. 1643. This individual was a native of Scotland, and was educated at the university of Aberdeen. Contrary to the inclination of his father, he ap-

* Burnet's Hist. of his Own Time, vol. ii.

plied himself to the study of the law; but his own resolution was soon changed, and, as his father had wished, he determined to apply himself to the profession of the church. He was admitted a probationer while the presbyterian was the established religion of Scotland, but refused to accept a benefice. Soon after the Scottish episcopacy was restored, he made his first short visit into England, and visited the two universities. At Cambridge he was introduced to the society of Cudworth, Pearson, and Henry More; and at Oxford was honoured by the civilities of Pocock, Fell, and Wallis. In the metropolis he resided a short time, and became acquainted with Wilkins and Tillotson of the low church, with Patrick and Stillingfleet of the high church divines.

A.D.
1679.

1663.

After having visited the continent, he returned to his native country, and episcopacy being now established*, he accepted the benefice of Saltoun, in the patronage of sir Robert Fletcher. However lax or liberal might be his notions of episcopal discipline, yet when he settled at Saltoun he was the only man in Scotland who made use of the prayers in the English liturgy.

1664.

1665.

When the Scottish government was put into the hands of those who were called *moderate men*, Burnet was employed in negotiating a scheme of accommodation between the episcopal and presbyterian parties. At Edinburgh he was introduced to the duke of Hamilton, and, through the recommendation of the rector of the university

1668.

1669

* He was ordained a priest by the bishop of Edinburgh.

CHAP. of Glasgow, was appointed professor of theology
IX. there. Four Scottish bishoprics becoming vacant
--- at this time, he was offered his choice of them,
but refused them all.

1672. When Lauderdale was sent into Scotland as
the king's commissioner, he cultivated the society
of Burnet. Burnet seems to have complied so far
with the court as to write a *Vindication of the
Scottish Constitution in Church and State*; in
which treatise he maintained the cause of epi-
scopacy, and the illegality of resistance merely
on account of religion. This was esteemed a
service of such importance, that he was again
offered a bishopric, but he persisted in his re-
fusal.

Whatever is known of his early life is known
from his own account, and the motives of his
conduct, though liable to a various interpretation,
will be generally taken from his own favourable
statement. But from the moment at which he
mixed himself in the political contests of Eng-
land, he laid himself open to the penetrating vi-
gilance of his enemies. His second visit to Lon-
don was to procure a license for printing his
Memoirs of the Dukes of Hamilton, and it was
there that the animosity between the houses of
Lauderdale and Hamilton descended to Burnet,
the retainer of the latter. But he was in favour
at court; being appointed king's chaplain, he was
often admitted to a conference with the king, and
still more frequently with the duke. He made
use of the favour shewn by the latter to propose
a conference between Coleman, the duke's secre-
tary, on the side of the Romish church, and Stil-

lingfleet, joined with himself, on the side of protestantism.

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1679.

When he had published his *Hamiltonian Memoirs*, he returned to Edinburgh; but finding the enmity between Lauderdale and his patron increased to an implacable degree, he retired to his station at Glasgow. But Lauderdale would not permit him to remain unmolested; he was accused of obstructing the measures of government, and found it necessary to return to London to defend himself. The king received him coldly, and ordered his name to be erased from the list of chaplains; the duke of York attempted to effect a reconciliation between him and Lauderdale. While enmity subsisted between them, Burnet thought, or affected to think, that he could not return to Glasgow without hazarding his personal safety, and he therefore sought an establishment in London. 1674.

A man whose religious opinions were in direct hostility to those of the court, and those of a large proportion of the church; a man whose religion was so strongly infused with politics, was likely to experience much opposition, and much obloquy. But he rashly immersed himself in the vortex of faction, ranging himself under the banners of Halifax and Shaftesbury, and attacking their adversaries. Nottingham he undermined by all the arts of depreciation, Danby he pursued with calumny. Burnet, however, appears to have been employed, rather than trusted by the whigs. He was their slave and their dupe; but he was either too useful to be dismissed, or too mischievous to be provoked; and lord Hollis succeeded

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in obtaining for him the preachership at the Rolls from sir Harbottle Grimstone. The court would have persuaded Grimstone to dismiss him, but the ancients of the law persisted in the nomination which he had made.

In this station his officiousness, though well intentioned, rendered him unacceptable to both the whigs and tories. His conduct with regard to the exclusion of the duke of York irritated that prince, while it failed to conciliate a large portion of the exclusionists. His antipathies were stronger than his partialities; and if the test of a good protestant be a sensitiveness of the approaches of popery, he was certainly entitled to the praise. Having brought down his life to the period of the final dismissal of Shaftesbury from the cabinet, the name of Burnet is so interwoven with the events of the succeeding history, that to pursue his biography would involve repetition.

CHAPTER X.

Unpopularity of the Church.—The most eminent Protestant Divines of other Countries consulted by Compton.—The Bill of Exclusion again brought forward and rejected by the Lords.—Merits of this Bill.—Proposed Comprehension of Nonconformists.—The King suddenly prorogues Parliament.—Convenes it again at Oxford.—Charles dissolves his last Parliament, and publishes an explanatory Declaration.

AT this time, when the advances of the king towards arbitrary power were rapid, the adherence of the church to the prerogative gave to its enemies a temporary advantage which they failed not to improve. The clamour was revived, that episcopacy was nothing more than a remnant of papal usurpation, and that the bishops of the English church were forming a coalition with popery. As the presumptive heir to the crown was a papist, and as the clergy were generally anti-exclusionists and in favour of hereditary right, the accusation derived a colourable appearance.

A. D.
1680.

Compton, bishop of London, saw that no method was better calculated to put nonconformity to shame, if not to reduce nonconformists to the communion of the church, than to ascertain the opinion of the most eminent foreign protestants on the points at issue between the church of England and the nonconformists. For this purpose he wrote to Le Moyne, professor of the-

CHAP. ology at Leyden, l'Angle, pastor of the reformed
 X. church at Charenton, and to Claude, a French
 divine, who had distinguished himself by writing
 an answer to Arnaud's Perpetuity of the
 Faith. The answers of these divines added
 strength to the cause of episcopacy, and were
 feebly attacked by the dissenters.

Dated
 Sept. 5.

Le Moyne declared himself thus: "What is
 there in episcopal government dangerous, or that
 may reasonably give offence to the conscience of
 any man? If such a form of administration be
 capable of depriving us of eternal happiness, or
 of shutting up the passages of heaven, who could
 possibly have attained heaven for the first fifteen
 centuries of the Christian church? During all
 this time no churches in the world were under any
 other form of government. If episcopacy were thus
 contrary to truth, and destructive of eternal hap-
 piness, is it imaginable that God would have be-
 stowed on it such marks of open approbation, and
 suffered his church to be so tyrannically oppressed
 for so many centuries? For who have all along
 governed this spiritual society? Who have been
 the members of general, provincial, and diocesan
 councils? Who are they that have combated
 the heresies with which the church has been dis-
 turbed through every age? Were not these fa-
 thers the bishops? And has it not been the effect
 of their prudent conduct, under God, that the
 Divine word has made its way against all oppo-
 sition, and that truth has triumphed over error?
 And without tracing the history of the church
 from its beginning, who was it that recovered
 England in the last century from the errors

which overspread it? Who was it that revived belief in so wonderful a manner? Was not all this compassed by the ministry, the zeal, and resolution of the bishops?" After noticing that the foreign protestants of Geneva, Switzerland, Germany, and Holland, entertained a profound veneration for the English church, he asks; "How comes it to pass then that the English themselves should be thus singular in their conduct, thus unhappy in their belief, as to break from it? Is not this plainly a rupture from all the churches of antiquity, from all the eastern churches, from all the protestant churches; for they have all entertained a high regard for the English communion, on the grounds of the purity both of her doctrine and discipline? Is it not a strange degree of assurance to excommunicate her without mercy, and to imagine themselves the only persons in England, or indeed in the whole Christian world, who are predestinated to eternal happiness, and who maintain those truths which are necessary to salvation?"

A. D.
1680.

Next in order of time, the answer of l'Angle was returned, and he laid it down as an axiom that the church of England is a pure church, and drew the inference that it is the duty of all the protestants in England to keep themselves within her communion. He cited Calvin and Beza in favour of English episcopacy.

Dated
Oct. 31.

Last of the three came the answer of Claude, who applied his advice to the two principal classes of nonconformists, the presbyterians and the independents. His judgment on the inde-

Dated
Nov. 20.

CHAP.
X.

pendents was not much to their credit: "I could wish," he observed, "these persons to consider that the same reason which makes them insist on the independence of one congregation upon another, will carry them much farther than they desire, and may be used to break the union of any particular congregation, and to make every individual independent of his neighbour. This principle must of necessity destroy all order, and expose the heritage of God to the reproach of its enemies." As for those who called themselves presbyterians, though he was persuaded that many among them were possessed of knowledge, judgment, and zeal, yet he wished that they had evinced more temper and discrimination in separating the episcopal order from the persons of the bishops. Men in public stations were not only liable to miscarriages, but it might happen that the most sacred offices might be discharged by those who were unfit; and, in this case, both reason and religion teach that the office, and the individual who administers it, should not be confounded. After bestowing some high commendations on English bishops of this period, he desires the presbyterians to consider that there are defects, and that there may be mismanagement, in the presbyterian, as well as the episcopal discipline. He concluded by expressing his decided opinion, that to set up private meetings, and to withdraw from the established discipline, was no better than a formal schism, a crime in its own nature hateful both to God and man, and for which both those who set it up, and also those

who encouraged it, must expect to give an account at the great day*.

A. D.
1630.

Whatever these foreign divines might write, whatever assurances and pledges the English bishops might offer of their attachment to the protestant faith, contributed in a small degree to allay the ferment of the times. The dissenters represented the bishops as ready to sacrifice even their religion to a corrupt court, and these representations were now seconded by the house of commons. After every attempt at procrastination, imperious necessity compelled Charles to meet that most formidable of all his enemies, an English parliament.

Immediately after the preliminary forms had been gone through, the commons passed some strong resolutions for the maintenance of the protestant religion, and of the privileges of parliament. The right of the people to petition the king for the sitting of parliament was strongly asserted, and those who were styled, or styled themselves abhorrers, were voted betrayers of the liberties of their country. Among the grievances it was stated, that while the edge of the penal laws was turned against the dissenters, the papists remained comparatively unharmed. The inefficacy of the Test Act was also complained of, because the papists either by dispensations obtained from Rome submitted to the tests, and thus held the offices of government themselves, or those who held the offices were so favourable to the popish interest, that popery rather gained

Oct. 21.

* Stillingfleet's Unreasonableness of Separation, p. 395 and seq.

CHAP. than lost ground by means of the statute which
X. had been enacted for its suppression.

But the grand point for which the two parties reserved their strength, and the display of their eloquence, was the bill of exclusion, which had been smothered by a dissolution of the last parliament, after it had been carried in the house of commons. This bill the present parliament revived, and it was in this session brought in by lord Russel, a man whose attachment to liberty was not trammelled by party. He truly merited the praise which nothing but the partiality of friendship and the warmth of gratitude could have bestowed on Shaftesbury, that "the good of his country was the point by which his councils and his actions were steered throughout the whole course of his life*." Justly may the whigs glory in the name of Russel.

The bill was seconded by Capel, Montague, and Wilmington; and Jones, who gained a seat in the house a few days after its introduction, promoted it with great earnestness. The manager for the court was Jenkins, at this time secretary of state; but his arguments and speeches against the exclusion were scarcely heard with patience. He was suspected, though unjustly, of an inclination to popery, and this suspicion was sufficient to neutralize the most cogent reasoning. It was moved by the anti-exclusionists that the daughters of the duke might be named in the bill, as being next in succession, but the motion was negatived; and the circumstance infused a jealousy that it was intended still to leave the succession

undetermined. But such assurances were transmitted to the prince of Orange, that he openly expressed his desire that the king would satisfy his parliament; and the States, in a memorial, pressed him to consent to the exclusion.

A. D.
1680.

Rapid and irresistible was the progress of Nov. 11. the bill through the house of commons; and the day on which Russel carried it up in triumph to the house of lords, was ever remembered by him with honest joy as the proudest day of his life. It was never imagined by the most sanguine exclusionists that the measure would be carried in the upper house, opposed as it was by the king and the bench of bishops, and supported as it was by Shaftesbury, whose sinister motives were too obvious. But the dread of popery, a dread which was not groundless, brought the house to a nearer equality than was supposed*. The course of the debate was extremely violent, and came to an issue at last rather through weariness than conviction. "Till nearly midnight the rage of altercation and the lust of superiority kept up the contest, the king himself being present all the time, and the whole house of commons attending, who had adjourned their own proceedings to indulge their curiosity in observing the progress and event of these†." Shaftesbury, as might be expected, led the whigs, supported not only by Essex, who had seceded from the administration, but by Sunderland, who was still in office. On the side of the anti-exclusionists was Halifax, in himself a host; and to his superior eloquence and

* Contents 33. Non Contents 63.

† Ralph's Hist. of England.

CHAP. reasoning, as far as these could influence an as-
 X. ... sembly already predetermined, must be assigned
 the glory of the victory, by the united suffrage of
 friends and enemies. On the one hand, the king,
 in acknowledgment of his services, took him into
 his entire confidence, as the man who deserved
 best of the reigning family; and on the other
 hand, the house of commons, adopting the resent-
 ments of his defeated adversary, Shaftesbury, re-
 solved to distinguish him by a mark of their dis-
 pleasure, in violation, not only of all forms, but of
 all decency and justice. A motion was made and
 carried for an address, praying the king to remove
 the earl of Halifax from his presence and councils
 for ever*.

A bill which out of fourteen bishops†, who
 were present at the debate, could command but
 three in its favour, yet which appeared to be for
 the security of the protestant religion, cannot be
 dismissed without some reflections on the argu-
 ments adduced in its support and opposition. The
 motives of the principal speakers on either side it
 is unnecessary either to defend or impugn; for
 it may be equally allowed that the zeal of Shaftes-
 bury for the protestant religion, and that of Hali-
 fax for hereditary monarchy, were simulated. Pri-
 vate interest or ambition was the master spring
 which directed both.

* Ralph's Hist. of England.

† The bishops present were, the archbishop of Canterbury,
 the bishops of London, Durham, Rochester, Ely, Bath and
 Wells, Peterborough, Worcester, Oxford, Exeter, St. David's,
 Bristol, Llandaff, and St. Asaph. Journals of the Lords. Bur-
 net says that all the bishops were against the bill.

A. D.
1680.

The merits of the exclusion bill have been stated in the following manner, that it was a choice of difficulties. Either the prerogatives of the crown must be curtailed, or the line of succession must be altered. In this dilemma, which is the least evil? An inference has been drawn that the question, "What are to be the powers of the crown?" is of greater magnitude than "Who shall wear it?*" But it must be remarked, that all the anti-exclusionists, or the majority of them, were not in favour of imposing limitations on the prerogatives of the crown. They opposed the exclusion altogether, and on the ground that the religion of the nation could not be endangered by the personal religion of the heir to the crown or the reigning monarch. They had already received the solemn promise of the duke of York, that his private opinions should not guide his public administration, and especially his patronage of the church. They confided in this promise, and thought that if he should violate it, the constitution had placed sufficient guards on the power of the monarch to prevent a subversion of the church of England.

But between the exclusionists and those anti-exclusionists who would have imposed limitations on the authority of the duke of York, the question does not turn on the choice of evils between a limitation of the regal prerogatives and an elective monarchy. Such anti-exclusionists would not have broken the line of succession. If the daughters of the duke of York had been named

* Fox's Introduction to Hist. of James II.

CHAP. in the bill of exclusion as the next heirs, and as
X. entitled to succeed on the demise of the crown in consequence of the disability of their father, it could not be said that the monarchy would have been changed from hereditary to elective. But the refusal to insert this declaration naturally occasioned a suspicion that some latent object was contemplated, and that Shaftesbury was carrying on the designs of the faction which would have raised Monmouth to the throne.

If there were any anti-exclusionists who would advisedly have left the succession undetermined, such were indubitably reduced to the alternative already stated, and over such the exclusionists must have had the advantage in argument. They might fairly contend that the prerogatives of the crown ought always to be kept within such limits as are necessary for the liberties and welfare of the people; but to bring them lower than this standard, as it impairs the useful dignity of the crown, so it injures the commonwealth. The powers which are taken from the crown must be transferred to one of the other branches of the government, and the balances between the legislative and executive branches would be deranged. "It is better therefore to change the manager of the trust, than to annihilate the subject of it; and it never can be conducive to the safety of a state that the powers of its supreme head should be in abeyance."

After the fate of the exclusion bill had been decided, the house of commons manifested a disposition to relieve the nonconformists; and a committee was appointed, who agreed on terms of

comprehension. As for those dissenters who could not be included within the terms, it was proposed that they should be relieved by an act of toleration, on condition of taking the oath of allegiance and abjuration. Though the bill of comprehension was offered by some of the moderate episcopalians, and though it would have passed the house of commons with facility, the friends of the dissenters were not forward to promote it. They calculated, that even if it passed the commons, it would be lost in the house of lords, and that it would be ungrateful to the king. They expected that it would share the fate of the Exclusion Bill.

A. D.
1689.

But the neglect with which the dissenters treated the bill excited the jealousy of the house; and a member observed, that it would be more convenient to have a law for compelling the dissenters to yield to the church, than to force the church to yield to the dissenters. Thus, though the bill of comprehension proceeded so far as to be referred to a committee, yet here it stopped; and another was substituted, to exempt protestants dissenting from the church of England from the severe penalties imposed by the act of Elizabeth. The statute had lain dormant for almost eighty years, but it was threatened to be revived, and therefore it was cheerfully repealed by the commons. In the house of lords it passed but heavily, the bishops, it is said, apprehending that the terror of the law might be a restraint on the presbyterians. But when it should be offered in due course for the royal assent, it was missing, the clerk of the crown having withdrawn it by

CHAP. the king's order. The king, it is presumed, had
 X. no inclination to give his assent, and he was
 afraid openly to refuse it, and therefore this illegal
 method was adopted of smothering the bill.

All animadversions on this unconstitutional
 proceeding were stopped by the termination of
 1681. the session; but on the morning of the proro-
 Jan. 10. gation two resolutions of a very extraordinary
 nature were passed by the commons. 1. That
 the acts of parliament made in the reigns of queen
 Elizabeth and king James against popish recu-
 sants ought not to be extended to protestant dis-
 senters. 2. That the prosecution of protestant
 dissenters upon the penal laws is at this time
 grievous to the subject, a weakening of the pro-
 testant interest, an encouragement to popery, and
 dangerous to the peace of the kingdom.

Jan. 7. Before the prorogation, the king, by a message,
 communicated to the house his refusal to pass
 any bill of exclusion, or to alter the succession.
 He repeated the assurances which he had pre-
 viously given of his readiness to concur in any
 measure which might be devised by the wisdom
 of parliament for the farther security of the pro-
 testant religion. He was willing that a legal dis-
 tinction should be drawn between a popish and a
 protestant successor, and that the authority of a
 popish successor should be limited and circum-
 scribed. So far he was willing to go, but to
 alter the line of succession he never would con-
 sent.

The king having closed the only session of his
 fourth parliament in haste and displeasure, deter-
 mined never to renew his acquaintance with it.

A. D.
1681.

He now saw himself without money, and consequently without power; and he could not hope to extricate himself from his difficulties without making some concessions on the point of exclusion. An expedient offered by some of the moderate whigs was, to vest the regal power in a protector, and to call the prince of Orange to the protectorate. It was so far entertained by the king, that Nottingham gave out that the king was resolved to offer one expedient, which was beyond any thing which the parliament could have the confidence to ask. His necessities obliged him speedily to convene his fifth and last parliament; and, apprehensive that the whigs were encouraged in their resistance to his measures by the city of London, he chose for the place of its meeting a city which had shewn its devotion to royalty, Oxford.

The same representatives however were re-
March.
elected for London, and on their election received from their fellow-citizens an address of thanks for their unwearied endeavours in the two last parliaments, to search into the depth of the popish plot, to preserve the protestant religion, and to promote the bill of exclusion; and it concluded by requesting a continuance of these patriotic exertions. The representatives of London fearing, or pretending to fear violence, were attended to Oxford by a numerous body of horse, wearing ribands with the motto, "No popery, no slavery." Similar addresses were presented to the members of counties, and they were escorted in a similar manner.

Such preparations were not calculated to inspire

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the king with hopes of the favourable temper of his Oxford parliament, but he was compelled to make the experiment. His opening speech was not likely to allay the general irritation, for it contained severe reflections on the conduct of the last parliament. He expressed his former determination of maintaining the succession of the crown in the right line; but, for quieting the apprehensions of his people, he was willing to put the administration of the government into the hands of protestants. This proposition was explained by the ministers in the house of commons to mean, that the regal power should be vested in a regent during the life of the duke. He was willing to secure the church by placing in the hands of that regent the disposal of ecclesiastical patronage. These concessions were far less than would satisfy the commons; but they were highly displeasing to the friends of the duke of York. They openly declared that the measure of a regency was more ungrateful to them than the exclusion itself.

March 21.

The commons ordered a bill of exclusion to be brought into the house; and in the mean time a motion was made to consider the manner in which the bill in favour of the dissenters was lost in the last parliament. A member* said that the bill was of great importance and benefit to the country, and might affect the lives of many under the reign of a popish successor; but let the bill be what it might, the precedent was of the highest consequence. Though the king had

a negative on all bills, yet surely the clerk of the parliament had not. If this way were adopted in future, of causing bills to be mislaid, it might hereafter happen that parliament and the nation must remain in ignorance whether bills were passed or not. If this were suffered, it was vain for the house to spend its time in making laws.

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1681.

The matter was made the subject of a conference between the two houses; but the conference and the Exclusion Bill were soon frustrated in a way the most unexpected. The behaviour of the commons in both these cases was highly offensive to the king; and their conduct on the impeachment of Fitzharris, for his supposed concern in a plot, was as strongly resented by the lords. From the steps which had been already taken, Charles could not fail to see that it was impossible by any influence to arrest the course of parliamentary legislation. Without any communication of his resolution even to his ministers, "suddenly, and not very decently," he went to the house of lords in a sedan chair, with the crown between his feet. Having hastily put on his robes, he called up the commons, and, without any formality, pronounced the dissolution of his last parliament, after a session of seven days. Ashamed of his conduct, or afraid to encounter the public indignation, he left Oxford with the greatest expedition, and concealed his disappointment in the retirement of Windsor.

March 28.

The king set forth a declaration on the causes of his dissolving his last parliament; and by the advice of Sancroft it was read in all the churches throughout England. It contained a recital of all

April 11.

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the concessions which the king had made for the security of the protestant religion, as far as was consistent with the succession of the crown in a lineal descent, and a large rehearsal of the unsuitable returns of the commons for his condescension. "But notwithstanding all this," said the king, "let not those men who are labouring to poison our people with republican principles, persuade any of our subjects that we intend to lay aside the use of parliaments, for we still declare that no irregularities in parliaments shall make us out of love with them; and we are resolved, by the blessing of God, to have frequent parliaments*."

A declaration containing so much exaggerated truth and so much actual falsehood provoked an answer, written with great spirit and judgment. It was in its first rude outline the composition of Algernon Sidney, but it was filled up by Somers, and was subjected to the final correction of Jones. Several other anonymous remarks were made on the declaration, to expose its pretences and to weaken its influence; but the violence of the whigs and republicans turned the current of opinion into the opposite direction. The grand juries and the magistrates of the different counties, the corporations of cities and boroughs, the chartered companies, and even the apprentices,

* It was observed that this declaration was known by Mr. Barillon, the French ambassador, and by the duchess of Mazarine, sooner than by the king's council, and that its Gallicism shewed it to be of French extraction. *Life of Calamy* by himself, MS. p. 74. *Neal's Hist. of the Puritans*, vol. iv. p. 468, note.

A. D.
1681.

sent up addresses expressing their joy at the assurances in the king's declaration, and dedicating their lives and fortunes to his service. Other addresses were offered, declaratory of adherence to the lineal succession of the crown, and condemning the bill of exclusion. Others went higher, and arraigned the late parliaments of sedition and treason. Some reflected on the nonconformists, and thanked the king for not repealing the act of Elizabeth against them, and prayed that it might be strictly enforced. The clergy of London presented an address of thanks to the king for not agreeing to the exclusion which Tillotson refused to sign *. Burnet says of himself, that he withdrew from politics, and devoted himself to algebra and chemistry, and, which was better, to his theological studies and pastoral care.

One of the most acceptable addresses came from the university of Cambridge, and was presented to the king by the vice-chancellor in person. It contained the following professions: "We believe and maintain that our kings derive not their power from the people but from God; that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental, hereditary right of succession, which no religion, no law, no fault or forfeiture can alter or diminish; nor will we abate of our well-instructed zeal for the church of England as by law established. Thus we have learned our own, and thus we teach others their duty to God and the king." Charles discovered an

* Life of Tillotson, Ecc. Biog. vol. vi.

CHAP. unusual satisfaction on receiving this address, and
X. in returning his acknowledgments said that no other church in the world taught and practised loyalty so conscientiously as the church of England.

It was now visible that the king was entirely devoted to the interest of the duke of York, and that his constitutional indolence prompted him to resign to the heir a large portion of the business belonging to the reigning monarch. The duke being now assured that he was secure in England, applied himself to gain the reputation of a good governor among the Scottish nation, for it was among them that Monmouth had acquired popularity. The high episcopalian party there had lost much of its strength by the murder of Sharp, and much of its reputation by the resignation of Leighton. Lauderdale still possessed the ascendancy; and though the duke of York found it necessary to act in cooperation with this minister, yet he moderated the violence of the tories. He found it necessary to gain the affections of the people by offering no offence to their religious opinions from an obtrusion of his own, and he pursued his design with diligence and success. He advised the bishops to act with temper and discretion, to connive at conventicles in private houses, as such a connivance would put an end to all fanatical meetings in the fields. In matters of justice he shewed strict impartiality; and he encouraged useful projects for the advancement of trade. He was advised to hold a parliament at Edinburgh, and to preside in it as the king's commissioner. In this session, after an act had

passed for the maintenance of the succession, a test was enacted for the security of the established religion and government. This Engagement to support and defend both was to be taken by all persons holding offices in the church, the state, and the army; all endeavours to effect an alteration were solemnly renounced, and the doctrine of nonresistance was strongly asserted. Such as refused the Engagement were declared incapable of any public trust, and were farther to incur the penalty of confiscation of property*.

A. D.
1681.

Notwithstanding the heavy penalties of this statute, the test was generally refused by the Scottish bishops and clergy till an explanation was given of its most offensive parts, and the rights of the church were distinctly guaranteed. One part of the Engagement required an adherence to a confession of faith ratified by the Scottish parliament more than a century before; a document become obsolete, but by an act of connection it was explained, that the test was not obligatory to an agreement in every clause of that confession, but only to its general import. It was intended to maintain generally the true protestant religion founded on the word of God, in opposition to popery and fanaticism. Another explanation of the test was, that it made no encroachment on the spiritual power of the church; and a third, that it was no prejudice to episcopal government. These explanations, made by the authority of the council, were approved by the king on the advice of the duke; and the inde-

CHAP.
X.

pendence of the Scottish church in all spiritual matters was confirmed.

The Scottish parliament was dissolved soon after the enactment of the test, and the duke was recalled to England. So satisfactorily had been his conduct with respect to the Scottish church, that seven of its bishops addressed a letter to the archbishop of Canterbury in praise of his administration. Whatever insinuations may have been raised that this letter was the effect of solicitation, or contained the language of flattery, yet many circumstances strengthen the presumption that it was both spontaneous and also sincere. The acknowledged prudence of the duke's conduct prompted the king to urge his brother to follow his own example, to renounce at least the open profession of the church of Rome; to shew that he would do voluntarily what he had refused to do by compulsion, to do from conviction what he had refused to do from fear, and to return to the communion of the church of England. To this proposition he did not accede; but his declining to accede was no diminution of his popularity. It only served to give credit to his public declaration, that his personal religion should have no influence on his government.

CHAPTER XI.

Shaftesbury retires to Amsterdam, and dies there.—The Rye-house Plot.—Lord William Russel.—Algernon Sidney.—The Oxford Decree.—Deprivation of Locke.—London Cases against Dissenters.—Death and Character of Charles the Second.

THE concluding years of this reign present a prospect to which the historian of the church would, if it were possible, close his eyes. To relieve the languor of the reader, the highest exertion of historical art is required; but the writer finds little to call forth the powers of his mind. Yet historical writing resembles a journey, every excursion from the prescribed track, however delightful, compels a return to it, which is rendered more irksome from contrast and from the ruggedness of the road.

A. D.
1682.

The church of England had now degenerated from its high estimation; for ecclesiastical promotions under a profligate monarch, advised by a popish successor, were generally bestowed without regard to ability or character. We see Crew, vain and ambitious, unsteady and insincere, without any recommendation but that of high birth, seated in the richest see of England. We see Sprat, a man whose florid impotence of style is an index of the hollowness and flexibility of his principles, ascending the episcopal bench for taking up his pen at the command of the duke of York, and lending himself to the composition of

CHAP. a historical romance, which he was afterwards
XI. obliged to palliate, and which he would have
consigned to oblivion. One exception occurs,
the more gratifying because it is solitary, in
the devotional and amiable Kenn. His honest
sincerity in reproving vice was no impediment
to his promotion, but Charles was inspired with
a respect for his probity and purity. The two
most distinguished theologians, and who may be
styled the leaders of the two great parties, were
Stillington and Tillotson. In better times both
would have been raised to the prelacy in pre-
ference to the herd of competitors, but this op-
position to popery detracted from the high prin-
ciples of Stillington, and, "like a dead fly, marred
the savour of the ointment*."

The duke of York on his return from Scot-
land was received with cordial affection, and he
ever afterwards retained his place near the royal
person. Taking advantage of the loyal addresses
which had been poured in after the late dissolu-
tion, Charles resolved to free himself from all fu-
ture annoyance by parliaments. The cities and
boroughs, which had offered such extravagant
professions, were now called on to demonstrate
their sincerity by a surrender of their old chart-
ers, and by accepting new ones, on such terms
as the court thought fit.

It was not without a struggle that the city of
London gave up its municipal independence; and
the contest between the court and the city, re-
specting the election of sheriffs, inspired Shaftes-
bury with hopes that an organized resistance

* Joseph Mede of himself.

might be interposed. He had already been indicted for treasonable practices, and had escaped by the uprightness of a city jury; in return, he had presented the duke of York in the king's bench as a popish recusant. Now he no longer disguised his determination to subvert the government; but finding himself feebly seconded, and fearing its resentment, he left England never to return: he had scarcely settled at Amsterdam, and received the honours paid him by a republic, when he died.

A. D.
1682.

The chief opponents of arbitrary power were republicans without religion, or presbyterians; those who had no religion, and who joined no dissenting communion, were beyond the reach of the penal laws, but these were now attempted to be revived against all who were obnoxious to their severity. To violate the independence of the civil elections, and to disqualify the dissenters from voting, the bishop and clergy of London were urged to prosecute them in the ecclesiastical courts under the statute of Elizabeth, and to bring on them all the disabilities consequent upon excommunication. But both the bishop and the clergy declined to be the instruments of the vindictive intolerance of the court, and their remissness was not forgotten on a future day.

The cruel and despotic measures of the court served rather to excite, than to subdue the spirit of English liberty. There was a band of patriots who had resolved to sacrifice their lives in its defence, and there was a junto of pseudo-patriots who sought safety in flight. At the head of the pretenders to patriotism must be placed Shaftes-

CHAP.
XI.

bury ; the leader of the true patriots was William lord Russel. "Patriotism is perhaps the most frail, as it is the most suspected of all human virtues ;" but the patriotism of Russel has passed through the ordeal of party, and has been pronounced sterling. The cause for which he suffered he not only did not deny, but it was his glory. Civil and religious liberty were the objects for which he contended, and he avowed, that in defence of these blessings resistance was not only justifiable, but praiseworthy. Attached to the protestant religion, and to the purest form of it, the church of England, it was his dying wish that protestants would unite against the common enemy, the church of Rome ; and as the foundation of peace among protestants, he recommended churchmen to be less strict, and dissenters to be less scrupulous.

On the evidence by which the Rye-house plot is proved, the verdict of posterity has been doubtful ; but the evidence by which Russel was condemned for participating in it has been universally acknowledged to be suborned and improbable. To prepare him for that death which he regarded as a martyrdom, he was visited by Tillotson and Burnet. Though he constantly denied any knowledge of the plot for which he suffered, yet he maintained the abstract proposition, that resistance to a tyrannical government is not contrary to scripture. The two divines combated

July 20. this proposition ; and Tillotson offered his deliberate thoughts to the dying patriot concerning the lawfulness of resistance. He denounced it as contrary to the Christian religion, as contrary to the laws of England, and as contrary to the doc-

trine of all protestant churches. Russel had asserted that a government limited by law is only a name, if the subject may not maintain those limitations by force; and to wait till there was an entire subversion of the constitution, would be to wait till resistance was useless.

A. D.
1683.

It is indeed curious to see these two whig or low church divines defending the doctrine of passive obedience; and their subsequent conduct seems at variance with their recorded sentiments. Both of them were accused of apostasy, a charge which Tillotson suffered to die in silence, but Burnet, by his attempt to remove it, has only made "confusion worse confounded." Tillotson, whose amiable temper disarmed the rancour of his political opponents, escaped without censure from the delicate office of receiving the dying confession of Russel; Burnet, who was suspected of having composed the patriot's last speech, found it convenient to leave England.

Of Algernon Sidney the patriotism was more ardent than that of Russel, but it was less pure. Russel was not the enemy of monarchy, but only of despotism; Sidney was a stern republican. A Christian by profession, he never as yet had communicated with any church, though during his imprisonment he availed himself of the spiritual consolation of some independent preachers, to whom he expressed a remorse for his past sins, and a confidence in the mercies of God. He so far disapproved hereditary succession, as to assert that a king with a doubtful title is likely to govern better than a king whose title is undisputed. Primogeniture, he maintained, conferred no right

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to govern; and since God did not now by any declaration of his will, as he did of old, designate any particular persons for princes, they could have no other title than that which was derived from compact. This alone constituted the difference between a lawful prince and a usurper, for if possession were a donation from God, then every prosperous usurper had a good right. The people being the source of all sovereignty, princes derived their power from the people, subject to restrictions and limitations; and they were liable to the justice of the people, if they abused their trust to the prejudice of their subjects, and in violation of the established laws.

That Sidney should have suffered death for having committed these speculations to writing, in an answer to sir Robert Filmer's Book of the Patriarchs, is an assertion not accurate. He was condemned, however illegally, for conspiring the death of the king. His treatise, even if it had been legally proved to be written by himself, was not published, and it should never have been brought forward in evidence of any overt act. If his treatise had been published, its errors might have been counteracted in a more effectual manner than by investing its author with the crown of martyrdom.

It cannot therefore excite surprise, and far less censure, that the opinions of Sidney, at the head of the infidels, and of some other religionists, should receive an authoritative condemnation in a place of education, and that they should be prohibited as destructive of monarchy, and tending to infidelity. These opinions were indus-

triously disseminated, and eagerly received ; and to check their progress the university of Oxford passed its famous, or, as some call it, its infamous decree, against certain pernicious books and doctrines. Loud and undistinguishing as the clamour had been against this document, which has perhaps never been read by those who have clamoured most loudly, it is only fair that the occasion of its promulgation should be known, and its contents be calmly stated. More to the purpose of its justification than an elaborate defence is a “plain tale.”

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On whatever grounds the evidence to prove the reality of the Rye-house plot may be rejected in the present times, yet it was once generally credited. A tory who believes in the Rye-house plot, like a whig who believes in the plot of Oates, may be, in the language of an historian, one who is not to be reasoned against ; but it is certain that there have been tories and whigs who have believed respectively in each. One thing however is indisputable, that plots against the person of the king, whether real or pretended, whether weakly or warily fabricated, were publicly defended as justifiable and praiseworthy. They owed their “rise and growth” to certain doctrines which the decree styles impious. By the more moderate* of those who thought resistance lawful, it was generally agreed, that the abuses of the existing government had not reached that degree of enormity at which resistance could be justified. It cannot therefore be a mat-

* Burnet, *passim*.

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ter deserving censure, that those who conscientiously believed all resistance to be unlawful, should have asserted at this time a condemnation of it in the strongest terms.

Such was the occasion of the decree; its contents next come under notice. The preamble is an address to the king, of which, like other addresses, the language will not bear the test of criticism, and the sentiments far exceed the bounds of sober truth. Indeed, the most objectionable circumstance of the document is, the presentation of it to the king, and the introductory address.

Dismissing the preamble, the substance of the decree consists of twenty-seven propositions, selected from different books published in the English and Latin tongue. Of these propositions it is first affirmed, that they are repugnant to the holy Scriptures, decrees of councils, writings of the Fathers, the faith and profession of the primitive church, and also destructive of kingly government, the safety of his majesty's person, the public peace, the laws of nature, and the bonds of human society. The obnoxious propositions are selected from the writings of Buchanan, Bellarmine, Baxter, Milton, Hobbes, and others of inferior notoriety.

It is not too much to say, that twenty, out of these twenty-seven propositions, are not described in worse terms than they deserve, as being contrary to reason, and subversive of social order. That "dominion is founded on grace*," a favourite maxim of the puritans; that "all oaths are

* Propos. 18.

unlawful *," a maxim not less cherished by the Quakers; that "the king's supremacy in ecclesiastical affairs, asserted by the church of England, is popish and antichristian †," a capital dogma of the presbyterians; that "the powers of this world are an usurpation upon the prerogative of Jesus Christ ‡," the fundamental tenet of the fifth-monarchy men; such propositions as these, few sound members of the national church, few men of sound reason, would hesitate to condemn. Not more defensible are the paradoxes of Hobbes, that "a state of nature is a state of war §;" that "success in an enterprise is a proof of its justice ¶;" and that "as an oath superadds no obligation to a fact, so a fact obliges no farther than it is credited; consequently, if a prince gives any indication that he does not believe the promises of allegiance made by his subjects, they are thereby freed from their subjection ||." In the same class must be ranked another proposition, that "an oath obliges not in the sense of the imposer, but of the taker **."

There are other propositions, which, though not theoretically false, are practically mischievous, and which, as they are fairly disputable, ought not to be generally inculcated; for they are controverted both by whigs and tories. The first and second propositions, that "all civil authority is derived originally from the people," and "that there is a mutual compact, tacit or express, between a prince and his subjects;" however

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* Propos. 16.

† Propos. 20.

‡ Propos. 19.

§ Propos. 11.

¶ Propos. 10.

|| Propos. 12.

** Propos. 17.

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they may be recommended by the authority of Sidney and Locke, are attended with difficulties which must prevent their reception as acknowledged truths. Another proposition, that "the sovereignty of England is in the three estates, king, lords, and commons;" that "the king has but a co-ordinate power, and may be overruled by the other two*;" is inaccurate in its terms. Though the lords and commons have a share in the legislative branch of the constitution, yet they cannot be said to have a co-ordinate power, or an equal share in the sovereignty. In the executive part of the constitution, which is, strictly speaking, the government, and which is of constant exercise and application, the lords and commons have no share. The commons have one third only of the legislature, and of the government no share at all†. The constitution has settled two portions, the lords and commons, against one, as to the legislative part; "and in the whole of the judicature, the whole of the federal capacity of the executive, the prudential, and financial administration in one alone‡." It is the union of the legislative, executive, and judicial powers, which constitute "the sovereignty."

Though all the propositions condemned are disputable, and though most are manifestly unsound, yet the Oxford decree contains nothing affirmative. It does not follow, that if these propositions be false, the converse is true; for to deny one extreme, is to hold the other extreme, or a middle proposition between the two.

* Propos. 4.

† Burke, Works, vol. x. p. 94.

‡ Ibid. p. 96.

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It has been already said, that the offensive propositions were generally selected from the writings of infidels or sectarians; but there were two contained in a treatise, entitled, the Protestant Reconciler. They are stated thus: "It is not lawful for superiors to impose any thing in the service of God which is not antecedently necessary*;" and "the duty of not offending a weak brother is inconsistent with all human authority of making laws concerning indifferent things*." These propositions, which had been long since demolished by Hooker, were revived in the Protestant Reconciler, whose author was Whitby, now more honourably known by his Commentary on the New Testament. Whitby was at this time precentor of the cathedral of Salisbury, and chaplain to the bishop of the diocese; and the publication of such a treatise, by a man in these responsible situations, aggravated the offence. His treatise completed the holocaust which was offered in the quadrangle of the Schools at Oxford; it was disgracefully associated with the works of Hobbes, Baxter, Milton, and Godwin. Its author was obliged by his diocesan, Seth Ward, to make a public retraction of it; and, in order to remove the prejudices excited against him, he wrote a second part of the Protestant Reconciler, earnestly persuading the dissenting laity to join in full communion with the church of England, and answering all the objections of the nonconformists against the lawfulness of submission to the rites and ceremonies of that church†.

* Propos. 21.

† Birch's Life of Tillotson, pp. 103—105.

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There is no reason to doubt that this retraction on the part of Whitby was sincere; but his insincerity would only take from his personal integrity, and could not add strength to the arguments of the Protestant Reconciler.

July 24. Having thus distinctly unfolded the substance of the Oxford decree, it only remains to mention the author. It was drawn up by Jane*, the regius professor of divinity, and dean of Gloucester, evincing that the propositions condemned were to be considered as theological, rather than political dogmata. It was presented to the king with great solemnity, and was received by him with high expressions of satisfaction. For its perpetual preservation, it was ordered to be entered in the registry of convocation; and farther, in order to counteract the dissemination of the opinions which the decree condemned, all tutors and others who were concerned in the education of youth, were commanded to teach that most necessary doctrine, which is the badge and character of the church of England, the duty "of submitting to every ordinance of man for the Lord's sake;" a submission which is to be clear, absolute, and without any exception of any class or order of men.

From this impartial statement it is impossible to avoid drawing the conclusion, that the Oxford decree has been grossly misrepresented.

* In consequence of Dr. Jane's agreement in the Revolution, and his taking the oaths to king William, this distich was made on him :

Cum fronti sit nulla fides, ut carmina dicunt,
Cur tibi bifronti, Jane, sit ulla fides ?—KENNET.

It is neither slavish, nor is it extravagant; and a memorialist, who has called it a wild decree, has been guilty of far greater inconsistencies in his political life and writings. Whatever may be its errors, it is not to be considered as an authorized formulary of the church of England. But, in truth, it is capable of a satisfactory vindication; and if the university of Oxford has been exonerated from any portion of censure in the preceding pages, the task has not been unprofitable or ungrateful.

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There is another charge which, although it concern only an individual, yet the high character of that individual has conferred on it a more than common importance and interest. The deprivation of Locke has been represented as an action which reflects equal disgrace on the king, on the university, and, as it is intimately connected with the university, on the church.

In this act some have found the most disgusting and hateful proof of the tyrannical government of Charles, which, not contented with the oppression of the wealthy and the powerful, could basely persecute the peaceful student and the retired philosopher*. Such has Locke been described at the time when Sunderland, by an act of arbitrary, if not of illegal power, issued a mandate for his summary ejection from his studentship at Christ Church.

To detract from the merit of a personage who has acquired a reputation greater than wealth or titles can bestow, is an employment in which no

* Fox's Hist. of James the Second.

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honest man, no Christian, would engage. Whatever might be Locke's doctrinal views, his belief in religion was fervent and sincere; no one can doubt either of these qualities, who remembers his testimony to the divine authority of the Bible: "It has God for its author, salvation for its end, and truth, without any mixture of error, for its matter."

But in estimating the character of Locke, justice demands not only that his life should be separated from his writings, but that a distinction should be made between his philosophical and political life. To say, as it has been said, that he was at this time unknown to the world, may be true in his philosophical character, but in that alone. Known he sufficiently was, though not advantageously, as the confidential adherent of Shaftesbury; as having served under this corrupt minister when in office; as having assisted him in his political tracts; as having defended him when he was transformed into a demagogue; and as having followed his fortunes when he sought a pusillanimous flight. Unfortunate it must undoubtedly be considered for the fame of Locke, that his political life is so intimately connected with that of Shaftesbury. It is a connexion which his warmest friends have found inexplicable, which cannot be vindicated without supposing in him at the time an absence of ordinary sagacity. If Shaftesbury were stained by political perfidy, it is impossible to hold up Locke as a model of elevated patriotism, as the champion of liberality, as the principled adversary of superstition and tyranny. Shaftesbury was the object

of his political homage, and, to demolish the reputation of the statesman, is to impeach the honesty or the penetration of the philosopher ; for the iconoclast will always put to shame the idolater.

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When Locke was ejected from his studentship, Shaftesbury had been dead more than a year ; but the machinations of the party which he directed were not impeded by the loss of their chief. They still contemplated not only the exclusion of the duke of York, but they encouraged the aspiring views of Monmouth. It has been asserted peremptorily that Locke had no participation in the designs of Monmouth, but it is far easier to assert that he was not implicated in these designs, than to prove that he was. Locke was suspected to be the author of some pamphlets which were afterwards ascertained to be the production of another ; but the abilities of Locke, and his political connexions, fastened the suspicion on him with great probability. The conduct of the government, therefore, in removing him from a situation, over which the crown was supposed to possess an absolute control, might be oppressive, and might be despotic, but it was not unprovoked. The punishment exceeded the provocation ; but if the most wanton and cruel act of tyranny in this reign were selected, no man would fix on the ejection of Locke.

The degree of censure being thus awarded to the king and the government, the conduct of the university of Oxford next falls under consideration. It has been undeniably shewn that the university had no share in the transaction ; that

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even the college of Christ Church is not implicated in it; and that whatever disgrace is attached to it, must rest principally, if not wholly, on Fell, the dean. On the character of Fell, thus unfavourably presented to notice, it is fit to bestow some attention. He was the son and successor of Samuel Fell, who in the late reign so nobly resisted the usurped authority of the parliamentary visitors over the university. In the college, over which the father so worthily presided, the younger Fell was a student, and suffered a similar ejection by the visitors. Compelled to leave Oxford, he sought a retirement which was at least safe, and, like other persecuted royalists, observed the formularies, and continued in the communion of the church of England. On the restoration he was installed a canon, and on the death of his father was advanced to the deanery of Christ Church. His excellent government of the college over which he was placed, raised its reputation for discipline to a higher degree than it had ever previously attained; and it is well known that some of the most distinguished personages in the kingdom were trained under his inspection. After filling the deanery of Christ Church for a long period, his signal worth pointed him out as the most proper person to preside over the diocese of Oxford, and he was bishop and dean of the same cathedral. If his munificence may be seen in every part of his college, it may also be traced throughout almost every part of his diocese. But Fell is not only to be regarded with veneration as an ecclesiastical and academical governor; as a scholar he sustains a

high place. Some of his writings are a proof of the depth of his learning, others of the elegance of his taste; while his critical and editorial labours attest the greatness of his industry. In his life of the excellent Hammond he has shewn how future biographers might do justice to his own*.

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Against such a man, whom even Burnet has eulogized for his exemplary life and his diffusive benevolence, any charge affecting his moral character should not be hastily entertained. The reputation of Fell is not less dear to an academician, however it may be to a philosopher, than that of Locke. The letter to Sunderland, which it has been the fashion to decry, may be stamped with the "brand of servility," but not of "treachery†;" and it by no means proves the inoffensive deportment of Locke, or his innocence of all factious design against the government. Fell does not assert his disbelief that Locke was not disaffected, but that he was such a master of taciturnity and passion that neither his views could be unravelled, nor the designs of his patron. The behaviour of Locke at this period was that of a fugitive from his native country, and of a deserter from his duty in the university; and the motive of such a retreat may no doubt be capable of a different interpretation; it may be explained as a consciousness of guilt, or a conviction that innocence would be unavailing to screen him from punishment.

Under these circumstances Fell suggested a

* Grainger.

† Oxford and Locke, by lord Grenville.

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plan which, if it had been adopted, would at once have obviated the charge of persecution. He proposed to issue a mandate to Locke, enjoining his return to the college of which he was a dependent member, for to all members on the foundation nonresidence is a matter of favour, not of right, and it is generally enjoined by an express dispensation revocable at the will of the governor of the college. The statement of Fell is perfectly fair: "If he comes not back, he will be liable to expulsion for contumacy; and if he does, he will be answerable for that which he shall be found to have done amiss." Sunderland thought that
Nov. 14. this mode of proceeding was too dilatory; a royal mandate was transmitted for the immediate ejection of Locke, to which Fell, in those days when the rights of visitors were not defined as at present, thought himself bound to submit.

It is also acknowledged by a biographer of Locke, that the conduct of Fell on this occasion was attributable to good and kindly motives; an acknowledgment not derived from the impressions of Locke's native candour, but from Fell's wonted benevolence.

On the whole, it is impossible to regard Locke as a retired philosopher, but as the busy agent of an ambitious demagogue, and he was equally mistaken in extolling the patriotism of Shaftesbury as in praising the poetry of Blackmore.

Excepting the decree of the university of Oxford, and the ejection of Locke, the church requires no vindication for any severities exercised against such presbyterians or republicans as were supposed to be implicated in the Rye-house plot:

they were the acts of the civil government only. The divines of the church were more suitably employed in publishing the London Cases against the dissenters. They were twenty-three in number, and have since been abridged. Attacked these Cases have been; answered they could not be.

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Allowing the despotic and oppressive government of Charles in its full extent, it ought not to be charged on the church of England. The advances to arbitrary power were made in order to prepare the way for the introduction of popery, to which the church, when the struggle came on, was strongly opposed. If some divines insisted on the spurious doctrines of passive obedience and nonresistance, instead of the scriptural doctrine of obedience to civil government, they might find a palliation in those wild theories of republicans which loosened the foundations of all society.

When the king had made way for a popish successor by introducing an absolute monarchy, he began to find that he was neglected. The levees of his brother were crowded, his own were deserted. When he held the reins of government, his invasions of the liberties of his people were for the purpose of supplying his prodigality, or at least the introduction of popery was with him a subordinate consideration. So great was his sagacity when he chose to exert it, that he clearly saw the contrariety of the church of Rome to the civil constitution of England; he saw that he might enjoy arbitrary power, if his people could possess freedom in religious worship; but that if he lent his support to the establishment of

CHAP. XI. popery, the nation would be driven to resistance, and might limit the regal prerogative.

Mortified at the insignificance into which he had fallen through his devotion to pleasure, he was heard to say, that if he survived another month, he would find a way to make himself easy for the remainder of his life. This speech was variously interpreted, but it was generally understood to imply that he would emancipate himself from the thralldom of the duke of York. Death however intervened, and disclosed a scene which exhibited his own religious insincerity, as well as the religious bigotry of his successor.

When the sickness which oppressed the king was pronounced to be mortal, the prelates of the church were summoned to bestow the last consolations of religion on one who appeared to have lived unaffected either by its hopes or fears. Compton began an address, exhorting him to prepare himself for the issue of his sickness, whatever it might be; but to this address the king was silent. Sancroft followed, with a weighty application to his conscience, reminding him that he was about to appear before that Being who "is no respecter of persons;" but to this address the king answered not a word. Kenn made a third effort to awaken his conscience; but though this prelate spoke with the fervour of an inspired apostle, he evinced the same insensibility*.

On the day immediately preceding his death, the duchess of Portsmouth thought it necessary to make that provision for his spiritual welfare

* Burnet's Hist. of his Own Times, vol. ii. p. 281.

which the church of Rome afforded. "Go to the duke of York," she said to Barillon, "and tell him that I have conjured you to warn him to think of what can be done to save the king's soul*." A Romish priest called Huddleston, who had been instrumental in saving the life of Charles after the battle of Worcester, and who for that service had been specially exempted from all the penal laws against the papists, was brought to the palace. The company in the royal bed-chamber were commanded to withdraw, and the last sacraments of the Romish church were administered. When the ceremonies were concluded, the company was suffered to reenter; and the king supported himself through the agonies of death in a manner which surprised all who knew his life. The bishops who were present again resumed their prayers and exhortations; and Kenn, who possessed a large degree of favour with Charles, spoke with a great elevation of thought and expression. He pronounced many short ejaculations and prayers, which deeply affected all who were present except the dying king, who heard them with insensibility. He earnestly pressed the king to receive the sacrament, and to make a declaration of adherence to the communion of the English church. This the king declined, but to the question injudiciously proposed by Kenn, whether he desired a formal absolution of his sins, according to the form prescribed in the visitation of the sick, he signified assent. The absolution was pronounced, though he had expressed no con-

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* Fox's Hist. of James II. Introduction.

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trition for his past life, and no purposes of amendment. His only concern appeared to be for the succession of his brother; he expressed no tenderness for his queen, no solicitude for his subjects; but was satisfied with commending his mistresses and illegitimate children to the bounty of his brother.

This was the end of the accomplished Charles the Second, of whom, since it has been remarked that "he never said a foolish thing," many smart and sententious things have been related. He was an instance of the various revolutions in fortune to which man is liable; but he was incapable of learning wisdom or virtue from these wise dispensations of Providence. In adversity he was callous, and by prosperity his heart was not softened. His natural affability and good humour were debased by selfishness and cruelty; and towards his friends he was guilty, not of neglect only, but of black ingratitude. His love of pleasure predominated over all his other qualities, and was the source whence many of his bad qualities originated. This habitual voluptuousness affected not only his personal character, but his public government. He was so abandoned to sensual pleasures, that he could scarcely prevail on himself to suspend them for an hour, in order to apply himself to the affairs of the state; yet whenever he did violence to himself, and applied his mind to politics, his judgment was so clear, his penetration was so lively, and his comprehension so extensive, that he could dispatch more business in a single day than his ministers in general could in many.

His love of power is truly said to have been more unmingled with the love of glory than that of any other man whom history has recorded*; and he could not only be a tyrant but a slave. His base subserviency to the court of France, in order to support his profligate extravagance, is rendered more detestable when viewed in connexion with the obligations which he owed to his people, and the attachment which they continued to manifest towards him, in spite of his follies, and even of his crimes. But even the arbitrary notions which he entertained are more pardonable than his pretended zeal for the protestant religion, when he was internally a disbeliever in revelation, and externally in communion with the church of Rome. Yet his insincerity or his indifference in religion enabled him to establish a despotic power, which his successor wanting to continue, lost his crown, because he was sincere, and because he was zealous.

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* Fox's Hist. of James II.

CHAPTER XII.

James II. succeeds to the Throne.—New Parliament called.—Landing of the Duke of Monmouth.—Insurrection in Scotland, headed by Argyle.—Cruelty of Jefferies.—Edict of Nantz.—Debates in Parliament on the Tests and Election of its Members.—The King prorogues Parliament.

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February. THAT the death of the late king was lamented with sincerity has been generally acknowledged ; but if the English were in tears, it was more to lament the succession than the funeral *. But so far from a pensive sadness being visible in most countenances, the acclamations in favour of the new king were general.

As soon as the privy council had returned from proclaiming the duke of York by the title of James the Second, he delivered a speech, which was afterwards printed and dispersed. It commenced with an expostulation for the unfavourable opinion which had been entertained of him ; but he gave his solemn assurances of maintaining the government in church and state as it was established by law. He informed his people that he knew the principles of the church of England were favourable to monarchy, and that its members had proved themselves to be good and loyal subjects ; therefore he would support the church. He never would depart from any branch of his

* Dr. Greg. Sharpe.

prerogative ; but at the same time he would never invade the liberty and property of his subjects.

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This speech was received with greater confidence than it deserved, and the promises of the king called forth a number of congratulatory addresses. The two universities offered the warmest assurances of unshaken loyalty and unlimited obedience : the pulpits resounded with thanksgivings and congratulations. The common phrase was, " We have now the word of a king, and a word never yet broken." Sharpe, a London divine of great learning and integrity, and of sound protestant principles, qualities which subsequent events proved, incautiously magnified the speech of the king as a far better security for the maintenance of the established religion than the laws could give. He is said to have uttered the following sentence ; " As to our religion we have now the word of a king, which, with reverence be it spoken, is as sacred as my text." This bold flight, bordering upon profaneness, was not unnoticed at the time ; but it was forcibly called to remembrance afterwards, since the person who uttered it was the first of the clergy who fell under the king's displeasure, and felt the weight of arbitrary power.

Scarcely had the address been circulated, than James made public the hypocrisy of the late king with regard to religion, by avowing his reconciliation to the church of Rome. It was a fact which had been generally suspected, but which none but the Romanists would dare to proclaim. On the first Sunday after his accession James

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publicly went to mass, and obliged Huddleston to declare that the late king had died a catholic. Not contented with this declaration, he published two papers, said to be found in the strong box of his brother, and written in his own hand, together with another paper of the first duchess of York. These papers contained a defence of the Romish faith, and arguments by which these two illustrious personages were converted; and being industriously dispersed through the nation, were instrumental in gaining many proselytes to the church of Rome.

On this occasion Stillingfleet, with an independence of mind which cannot be praised too highly, came forward to detect the invalidity or spuriousness of these papers, and to confute their arguments. The task was executed with his usual acuteness and force, and yet with all due respect to the august names which these papers bore. He urged in apology for his boldness, that if the papers in question had not been so publicly disseminated, regard to the names of the late king, and of the first consort of the reigning monarch, would have prevented him from giving any reply. But since they might fall into hands, by which they might be spread so as to do farther mischief, he thought it not unbecoming his duty to God and the king to throw a clearer light on the representations which they contained. It could be no reflection on the authority of a prince, for a private subject to examine a piece of coin as to its just value, though it was stamped with the royal image and superscription. In mat-

ters which concern faith and salvation, we must
 "prove all things, and hold fast that which is
 good *."

A. D.
 1635.

This private act of James was far from being consistent with his promise of supporting the established religion, but it was an indication of his real designs. His promise of not infringing on the liberties of his subjects was equally disregarded, for he issued a proclamation, enforcing the duties of tonnage and poundage, though the act of parliament granting them expired on the death of the late king. In a letter to the Scottish March. parliament he said, "I am resolved to maintain my power in the greatest lustre, that I may be able to defend your religion against fanatics."

Before the king had been seated on his throne two months, he discovered his personal resentment against the enemies of his religion, and of his succession to the crown. Oates was taken out of prison, tried, convicted, and punished, for his former perjuries. Dangerfield, who had been engaged in another plot, was indicted for a libel, and heavily fined. The exclusionists were made to feel the marks of his displeasure; the exclusion was the criterion by which he estimated the merits of his ministers; for Halifax attempting to find excuses for some parts of his late conduct, the king diverted the conversation, and said that he remembered nothing of the past except the behaviour of Halifax in the affair of the exclusion.

In one thing alone James appeared to reverse the policy of his predecessor, and to comply with the inclinations of his people. He seemed no

* Stillingfleet's Works, fol. vol. vi.

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longer to be governed by the counsels of France, and to have thrown off the French yoke. He also publicly announced his intention of living on terms of the most confidential amity with the prince of Orange; and the prince, to shew his reciprocal wish of cultivating the friendship of the father of his wife, dismissed Monmouth from his court. The friends of James had now some reason to say that England was governed by a martial prince who loved glory, and who would emancipate himself from foreign subjection. They could say, "We shall now have a reign of action and business, and not, like the last, a reign of luxury and sloth."

April 23.

The coronation was fixed on the same day which the late king had chosen for a similar celebration, St. George's day. In spite of some occurrences which were interpreted as inauspicious, the ceremony was more than usually splendid and imposing. Sancroft, by virtue of his rank, officiated; Turner, bishop of Ely, by appointment preached the sermon. The prelate referred to the history of Constantius Chlorus, in which he proposed fidelity in religion as the test of loyalty to a prince, and reckoned that those would be most true to him who were true to their God. Both the king and queen complied with all the protestant forms, with the exception of the sacrament, which is always a part of the solemnity. He took the usual oath, though he must have formed a deliberate resolution not to keep it, or must have understood it with some mental reservations.

A parliament had been previously summoned,

after an interval of four years. It has been said, A. D.
1685. that all the arts of corruption were used to secure the return of such members as would cooperate in the king's views. The king himself said that not more than forty members were returned otherwise than he wished *. But it has been said, on the other hand, that there never was a house of commons more able and more industrious to preserve the happiness of the king, the safety of the nation, and the security of the established religion †. They were loyal in their principles to the crown, and zealous in their affections to the church ‡. Both these statements may be correct, for they are not contradictory. Tyranny is often defeated by its own instruments.

The parliament on its first meeting realized May 22. the most sanguine expectations of the king. In his opening speech he repealed his declaration to the privy council, that he would maintain the government in church and state as it was established by law; but he plainly intimated that he would not depend upon the precarious aids of a parliament for the support of his regal dignity; and to incline him to meet them often, they must use him well §. The commons, relying on his assurances and promises, in about two hours voted him such an immense revenue for his life, as enabled him to maintain a powerful fleet and army without any farther supply. This improvi- May 27. dent vote was followed by an address, praying

* Burnet's Hist. of his Own Times, b. iv.

† Echard's Hist. of England, vol. iii. p. 744.

‡ Carte's Hist. of James, duke of Ormond, vol. ii. p. 544.

§ Gazette, No. 2036.

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the king to issue a proclamation for putting in execution the penal laws against dissenters from the church of England.

The revival of the severities against the non-conformists was doubtless in consequence of the suggestion of the king himself. He adopted the policy of the early part of the last reign, to oblige the dissenters by rigorous measures to agree to a general toleration, which might include the papists. All meeting houses of protestant dissenters were immediately shut up, and their private conventicles were suppressed. Their teachers could not appear in public unless under a disguise, and some of the most obnoxious were committed to prison. Among the first who experienced the resentment of government, even before the meeting of parliament, was Baxter. In his paraphrase on the New Testament there were exceptionable passages, reflecting on the order of diocesan bishops, and maintaining the lawfulness of resistance. For these he was committed to prison, and brought to trial before Jefferies; the jury pronounced him guilty, and he was sentenced to pay a heavy fine*, and to remain in prison till it was paid.

May 30

The parliament would have proceeded in imposing new restraints on the liberties of the people, and had made some progress in framing a new act against treasons, when the landing of the duke of Monmouth brought the session to a conclusion. There was a considerable number of English fugitives in Holland at this time, both

* Five hundred marks.

from political and religious motives, and James had sufficient influence with the prince of Orange to procure their dismissal from his court, if not their banishment from his dominions. This act, rather forced on William than the result of his own choice, precipitated the counsels of the malecontents, and they urged Monmouth prematurely to attempt an invasion of England. Argyle, with equal rashness, ventured on an incursion into Scotland, imagining that the whole body of Scottish presbyterians was ripe for revolt.

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Monmouth had no sooner landed in Dorset-
shire than the intelligence was communicated to London, and upon the general report of the event, an act of attainder against him passed both houses in the same day. A slight opposition was raised by the earl of Anglesea, because the evidence, being founded only on report, did not seem to justify so severe a measure.

Although neither the dissenters, in general nor the presbyterians in particular, sent any invitation to Monmouth, nor openly espoused his pretensions, yet the far greater number of his adherents were disaffected as well to the church as to the monarchy. There were few if any so credulous as to be persuaded that the late king had been privately married to his mother, and that he was the lawful heir of the crown. The greater part who favoured him professed a hope that he might be the instrument of delivering them from popery and arbitrary power, but secretly expected to establish through him a republican form of government, with a correspondent, or without any, national religion.

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With whatever lofty qualities party spirit might have invested Monmouth, yet, when they were brought to the test, his abilities as well as his morals were proved to be of the lowest order. His manifesto, tedious and ill written, was not his own composition, but it comprised the grounds and the grievances of his imprudent expedition. There were too many real causes of complaint against James, to need the addition of charges at once improbable and malicious. Monmouth's declaration basely asserted that the present usurper was the author of all the crimes and calamities of the last reign. It charged him with contriving the conflagration of London, with instigating a confederacy with France, and a war against Holland; with fomenting the popish plot, and encouraging the murder of sir Edmondbury Godfrey to stifle it; with forging treason against protestants, and suborning witnesses to prove it; with hiring assassins to murder the earl of Essex; with advising and procuring the prorogation and dissolution of parliaments in order to prevent inquiry into his crimes, and to escape the justice of the nation; and to crown all, with having poisoned the late king, his brother.

These accusations, either manifestly false or having a slender presumption of truth, invalidated those substantial allegations of misgovernment which could be proved against the king, and which were too palpable. The manifesto enumerated among the reasons of his disability, that his religion prevented him from inheriting the crown, and that three successive houses of parliament had voted his exclusion. It farther accused

him of invading the properties of the nation by collecting the customs and excise in violation of the laws; of taking away the chartered rights of corporations, and of using all the arts of corruption to influence elections; and for advancing those men to the bench who were a scandal to the bar, and for appointing those men to declare the laws who were accused and branded in parliament for perverting them. Recourse was therefore had to arms; a promise was given to repeal all the penal laws against dissenters, and for their enjoyment of equal liberty with other protestants; and a resolution was expressed of maintaining the just rights of parliament and the freedom of elections. The legitimacy of Monmouth was asserted, though he did not insist on his title, but left the determination of the question to the justice and authority of a parliament legally chosen.

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It is a fact too notorious to want farther proof, that both the English and Scottish invasions were contrived and conducted with a want of skill which could be equalled only by the inability of the opposition. Both Argyle and Monmouth were defeated and taken. The former in a proclamation had justified his resistance, and had proved, that by the law of Scotland James was incapacitated from wearing the crown. When his small army was defeated, and he was himself a prisoner, his magnanimity and courage were strikingly contrasted with his meekness and patience. "Anger could not exasperate, nor fear appal him; and let him be weighed never so scrupulously, and in the nicest scales, he will not be found in a single instance wanting in the

CHAP. charity of a Christian, firmness of a patriot, and
 XII. the integrity of a man of honour*." He did
 not undergo the formality of a trial, but was
 June 30. beheaded in pursuance of a former illegal sen-
 tence. One of the members of the Scottish coun-
 cil beheld him enjoying a tranquil slumber within
 two hours of the time fixed for his execution, and,
 struck with the sight, retired with the utmost
 precipitation to give vent to his feelings. The
 speech of the heroic nobleman to the spectators
 was in the tone of Christian resignation and hu-
 mility, and his last words were, "Lord Jesus,
 receive my spirit."

The adherence, or rather the connexion of
 Argyle, is the only circumstance which throws
 a faint lustre over the cause of Monmouth; for
 his own death was such as to reflect disgrace on
 himself and his cause. When he was defeated
 and brought a captive to London, his abject sub-
 mission belied his former reputation for courage,
 or it proved that his courage was purely ani-
 mal, and not like that of Argyle, purified and
 strengthened by religion. With all his vaunted
 zeal against popery, it is said that he offered to
 embrace it, if he could save his life. The mean
 triumph of the king was equal to the pusil-
 lanimous submission of Monmouth, for the king
 was present at his examination.

Turner and Kenn administered the last conso-
 lations of religion to the unfortunate Monmouth
 by the king's appointment, and Tennison attended
 him by his own request. The two bishops la-

* Fox's Hist. of James the Second.

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1685.

boured with well-intentioned, but untimely zeal, to convince the culprit that if he were, according to his own profession, a member of the church of England, he ought to acknowledge the sin of resistance; and they strongly urged him not to be satisfied with a general repentance, but to confess the sinfulness of his late enterprise. On this point they pressed him with a degree of importunity which has excited emotions and expressions of anger and astonishment*. But with the exception of useless pertinacity and officiousness, the conduct of Kenn and Turner towards Monmouth is not more censurable than that of Tillotson and Burnet towards Russel.

No persuasions could induce Monmouth to acknowledge the sinfulness of his late expedition, though he expressed his sorrow for the blood which had been shed, and though he confessed the falsehood of the fact which he had propagated of the marriage of the late king with his mother. Still the bishops continued to press on him a sense of the sin of rebellion, until he became so uneasy that he desired them to desist. Tennison appears to have performed his solemn office with more satisfaction to Monmouth, and with less censure from the assembled multitude, than the two bishops. Without reserve, though without harshness, he laid before the sufferer the dissolute course of his past life; and having said all which he thought necessary, he left all those points on which he saw that he could not produce conviction to the conscience of the con-

* Fox's Hist. of James the Second.

CHAP. demned penitent, and turned the attention of the
XII. dying Monmouth to subjects most suitable to his awful condition.

Thus far James had gone on with success. He had holden a session of parliament, which had settled on him an ample revenue; and by suppressing a rebellion he had broken the strength of his enemies. His power was now so firmly established, that no ordinary misgovernment could have shaken its stability. But his own enthusiastic temper, always unduly elated on success, joined with the counsels of his priests, combined to deprive him of the advantages which he had gained. The army which had defeated the undisciplined force of Monmouth, was kept for some time on the scene of its easy victory, and lived with all the licentiousness of troopers stationed in a hostile country. Jefferies was sent on the western circuit to try those who had been taken prisoners, and his cruelty exceeded any thing which had been ever witnessed in a civilized country. These excesses were imputed to the king himself; for he spoke of them to his courtiers in a style unworthy of a man of common humanity, and infinitely more unbecoming the dignified clemency of a prince. When Jefferies returned from the bloody circuit, which the king with a disgusting jocularly called a campaign, this infamous judge was immediately raised to the peerage, and soon afterwards appointed lord chancellor.

Such wanton cruelties alienated the great body of the nation, and especially those whom James had found to be his best friends, the tories, and the

clergy of the church of England. The king had raised several new regiments, and had granted commissions in them to papists. This infringement of the laws had been overlooked in the time of danger from a civil war, for the laws had allowed a temporary employment of papists in times of emergency. But when the time had arrived for disbanding the army, the king and his courtiers began to declaim against the tests. The tests were contrived, it was said, from motives of personal hostility to the present king; the one to remove him from the admiralty, and the other to prepare the way for his exclusion. To insist on the observance or continuance of these laws was an insult to the sovereign, and James himself declared that he should look on all those who would not consent to their repeal in the ensuing session of parliament as his enemies.

On the side of the king were ranged not only the papists, but the friends of absolute monarchy and regal prerogative. They argued, with plausibility, that to deny the services of any subject to his king, was an invasion of the regal power; that to demand from any peer other tests than the oath of allegiance, was a derogation from the honour of an hereditary nobility. Considering also the avowed religious faith of the king, it was an accumulation of insult on injury that he should be compelled to employ such persons only as would be contented to swear that his religion was superstitious and idolatrous. But the majority, the enlightened majority, saw, that if the tests were not maintained, no civil or military office would be given but to papists, or to men who

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were indifferent to all religion. As long as the king was a sincere protestant, and a true Christian, the tests were of less value; but when the king had openly renounced the established religion of the nation, the tests were the only barriers to secure the church and the state against popery. It was also said, that the existence of these laws had quieted the minds of the people, and had united them against the bill of exclusion; but if there had been no tests, they would have united with the whigs and dissenters in shutting out the present king from the throne.

No class of society was more decidedly opposed to any dispensation or abolition of the tests than the army, and great disaffection was caused among the military by the intrusion of papists. It was seen that the king would so model the army, that it might become an engine of despotism. The marquess of Halifax moved in council, that an order should be given to examine whether all the officers in commission had taken the tests or not, but as no one of the council had firmness enough to second him, the motion fell to the ground.

Converts to popery were at this time multiplied, and the conversions were too evidently interested to escape suspicion. The earl of Perth, and his brother, the earl of Melfort, avowed that their conversion was occasioned by the two papers found in the late king's strong box. Dryden, the poet laureate, who had long employed his pen in favour of the papists, embraced their religion. The Romish priests soon brought his talents into action; they engaged him to defend the contro-

versial papers found in the strong box, and, which was a more difficult task, to defend them against Stillingfleet*. But having felt his own inferiority in theological controversy, he was desirous of bringing poetry to aid his arguments; and he thought to become an efficacious defender of his new profession by publishing the Hind and Panther, in which the church of Rome, figured by a milk-white hind, defends her tenets against the church of England, represented by a panther, a beast beautiful yet spotted†.

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The king having declared that he would be served by none except those who would vote for the repeal of the tests, called for the marquess of Halifax, and inquired what were his intentions? Halifax frankly answered that he never could vote for their repeal, for he considered the maintenance of these laws essential even to the king's interest. The king told this able minister, that though his conduct with respect to the exclusion could never be forgotten, yet, as unanimity in the cabinet was necessary, he must be dismissed. The office of president of the council, from which Halifax was so disgracefully removed, was transferred to Sunderland, a man as unprincipled as Shaftesbury, though not possessed of equal ability. Sunderland was at this time the millstone of the whigs, and has always been the stumblingblock of whiggish historians‡.

Ireland was so modelled as to be a nursery for

* Johnson's Life of Dryden.

† Ibid.

‡ "What shall I do with the character of Sunderland?" said Smith to Addison, on being asked to write a History of the Revolution. Johnson's Life of Smith.

CHAP. a popish army, which was in due time to subdue
 XII. the liberties of England. The duke of Ormond
 was removed from the viceroyship, and the earl
 of Clarendon, an unworthy son of the illustrious
 Hyde, was appointed lord lieutenant. The army
 was placed under the command of Tyrconnel, a
 bigoted papist; and sir Charles Porter, a man
 of ready wit, but of great poverty, was appointed
 lord chancellor of Ireland.

October. The protestant cause thus oppressed in Eng-
 land, was equally declining abroad; for this year
 is memorable on account of the revocation of the
 edict of Nantz. Conversions to popery had ex-
 ceedingly multiplied, not so much from motives
 of interest, as from the arguments of Bossuet,
 bishop of Meaux. Long had the crisis been ex-
 pected, but it had been hitherto retarded by the
 prudence of Rouvigny, the ecclesiastical deputy-
 general. Whatever might have been the im-
 prudence of the protestants, yet the severities ex-
 ercised towards them cannot be justified. Thou-
 sands sought refuge on the English shores, and
 described the persecuting spirit of popery in the
 most appalling language.

James had enlisted himself under the Jesuits,
 and was on this account as unfriendly to the se-
 culars of the Romish church as he was to the
 protestants. He did not hesitate to call this per-
 secution both unchristian and impolitic, but he
 laboured to exculpate the Jesuits from having
 any share in the transaction. He exonerated the
 king's confessor, and laid the blame on the royal
 mistress. He frequently spoke of this act of na-
 tional cruelty with a vehemence which excited

suspensions of his sincerity. He did more, by which these suspicions might have been quieted; he ordered a brief for a charitable collection throughout the kingdom; he permitted the refugees to become denizens without fees, and granted them many immunities.

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It was generally agreed that the revocation of the edict of Nantz tended to awaken the vigilance of the English nation, to exasperate their opposition to popery, and to increase their fears of the king's designs. In the next session of parliament the temper of the people was displayed in a manner which should have instructed James that his policy, if followed, must end in his own ruin.

When parliament was opened, the king, in his speech, congratulated the two houses on the suppression of the late rebellion, in which it appeared how weak and insignificant a militia was, and consequently how necessary a standing army must be for the preservation of tranquillity. The standing army, therefore, he had determined to continue; "and let no man," he added, "take exceptions that there are some officers in the army not qualified according to the late tests, for they are most of them well known to me on account of their loyalty. And to deal plainly with you, after having had the benefit of their services in time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary*."

Nov. 9.

His expressions of cultivating the good-will of

* Gazette, No. 2085.

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his parliament, and of adhering to his original professions, could not render his speech acceptable. Two points were disclosed without reserve, the maintenance of a standing army, and a violation of the tests.

The debates which followed the king's speech in the house of commons were highly important. In order to disband the standing army, a project was offered for rendering the militia more effective; but it was shewn that so much discontent yet remained in the nation, that it was necessary to repress it by a strong force. The ministers of the crown, in their turn, proposed that a subsidy should be granted for the purpose of indemnifying the king on account of the expenses incurred in the late rebellion; but the proposition, though not absolutely rejected, was met by a dilatory excuse. It was objected by many, that the grant of supplies was the only cause for calling a parliament, and that the vote of a subsidy was often the first and last vote of a session. The courtiers suggested, that even if the king's measures were opposed, the opposition would be conducted with more decency after the subsidy had been granted; but that the liberality of parliament would probably dispose the king to accede to its views, and not to press farther the repeal of the tests. This suggestion was not without its effect; yet, notwithstanding the influence of the court, and the credulity of the country party, it was carried by one vote, that the king's speech should be taken into consideration before the house went upon the business of the supply.

Such being the order of proceeding, the house took into consideration the policy of the tests, their recent violations, and the king's speech, in which these violations were avowed and defended. On the one side, the arguments were clear and full; on the other side, there was no attempt at argument, but insinuations were frequently expressed about the danger of offending the king, and of provoking a quarrel between him and his parliament. No influence could prevent an almost unanimous resolution of the house to address the king that he would maintain the laws, and particularly the tests, at the same time offering an indemnity to such as had broken the law.

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Nothing could exceed the resentment of the king, and the vehemence with which he expressed it, when the address was presented. He accused some of the members with a concerted design of disturbing the harmony which subsisted between himself and his parliament, a course which would be highly prejudicial to the public interest. He had declared his intentions so explicitly with regard to the tests, that he had hoped the subject would not have been discussed in the house. Yet still he professed his resolution of keeping all his promises. An answer like this raised the fermentation in the house to the utmost height, and though the intemperate expressions of one of their members* was punished by his being sent to the Tower, yet the commons steadily resolved not only to insist on compliance with their ad-

* One Cook.

CHAP. dress, but to proceed to a consideration of the
XII. undue methods by which members of parliament had been returned, and of the late infringement of chartered rights. It was said that the freedom of elections had been invaded, and for the invasion the nation expected, and had a right to demand justice. If the house had been allowed time to proceed, a great number of the elections would have been declared void; but the king perceived that a longer continuance of the session must involve an open rupture with at least one branch of the legislature, and therefore he terminated it by a prorogation.

Nov. 20. In the house of lords, though the expressions of displeasure were not so annoying as the delay of the supplies by the commons, yet they were not less decisive. It was at first debated whether any address of thanks should be offered for the speech from the throne, but it was pressed by the administration as a customary mark of respect. The earl of Devonshire sarcastically said that he should vote for the address, because the king had spoken out so plainly, and warned them of what they might expect. The address of thanks was at length carried; but when it was moved by the bishop of London to appoint a day for taking the speech into consideration*, Jefferies, who was now lord chancellor, and speaker of the house of lords, affected the same despotic power, and attempted to shew the same overbearing manner, as he had exercised in a court of justice. When some animadversions were made on the speech, he bluntly said, that

* Hume, vol. viii. c. 70.

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1685.

by returning a vote of thanks they were precluded from censuring any part of it. This insolent interruption was received with indignation, and it was no impediment to a long and interesting debate on the civil and religious policy which the king was determined to pursue. The marquess of Halifax, the earl of Nottingham, and lord Mordaunt, were the principal speakers among the temporal lords, and the bishop of London spoke several times. He took occasion to observe, that he not only spoke his own sentiments, but those of the episcopal bench. The opponents of the king's administration argued, that the tests were now the only remaining security for the protestant religion; that if these barriers were broken down, the subversion of the church must inevitably follow; and that if the king, by his sole authority, might supersede laws like these, fortified by so many sanctions, especially that of disability, it was in vain to think of law any more. Jefferies began to interfere in the debate, but he received a castigation which reduced him to silence and to contempt. He endured as great a mortification as could be suffered by a man who had lost all sense of disgrace.

After the end of this short session, James never again called in the aid of a parliament. Two years longer it continued in existence, not without an expectation that it might be brought to a compliance with the king's measures, till wearied and disappointed by his endeavours to win over its leading individuals, he pronounced its dissolution, and never called another.

CHAPTER XIII.

Dispensation of Tests by the King.—Conduct of the Judges.
 —The Clergy prohibited from preaching against Popery.—
 Ecclesiastical Commission.—Bishop of London suspended.
 —Bishops Cartwright and Parker.—Declaration for general
 Liberty of Conscience.—Laudable Behaviour of the dis-
 senting Teachers.

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 XIII.

HOPELESS of the concurrence, and impatient of the restraint of his parliament, James rashly followed the only path which led to his object. As he could not alter or repeal the tests with the consent of the legislature, he resolved to suspend them by virtue of his prerogative.

It was now that the question of the dispensing power was argued in conversation, in print, and at the bar. In favour of the prerogative it was urged, that the government of England rests entirely with the king, that the crown is an imperial crown, the meaning of which is, that it is an absolute monarchy. All penal laws were a part of the powers vested in the crown. By virtue of his executive power the king might and always did administer these laws, but they were no restraints on the kingly authority. The king could pardon all offences against the laws, and forgive the penalties annexed; and why could he not as well dispense with them? He could pardon felony and treason, moral offences, and such as are destructive of society; why should he not

pardon the violation of a religious test of questionable utility and of doubtful obligation? To decline a test was not a positive offence, but only a sin of omission.

A. D.
1686.

The fallacy of this reasoning lies in not making a distinction between a pardoning and a dispensing power, since they are widely different*. A pardon is remedial, a dispensation is preventive; a pardon is a remission of punishment, a dispensation is a guarantee of impunity. If a king were really to assume a prerogative of dispensing in cases of felony and treason, the absurdity of confounding a dispensing and pardoning power would be palpable. But if James had not assumed a power of dispensing with the tests, but only of remitting the penalties after a violation of the law, it would have been an unwarrantable extension of his prerogative. One of the penalties annexed to the test laws was an incapacity, which by a maxim of law cannot be restored by a pardon. A fine was also imposed by the statute on offenders, not belonging to the king but to the informers; so that the king could not pardon the offence without depriving the informer of his fine. The king cannot discharge the debts of his subjects by a dispensing power or a power of pardon, and neither can extend to the property of his subjects.

James however was not to be convinced by argument, and he was determined to overrule

* "What is a court of equity, I pray thee, but a court of dispensations?"—*Observer*. If sir Roger L'Estrange had any other than a man of straw for his respondent, he must have been confounded by the answer.

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June.

those laws which he could not induce the parliament to abrogate. It was not long before an occasion presented itself, by which the question of a dispensing power was brought to an issue. Sir Edward Hales, a gentleman of good extraction, and recently a professed convert to popery, was collusively brought to a trial, on the information of his servant, for holding an employment without having taken the tests. Before the trial took place, the judges were canvassed for their opinions on the legality of the dispensing power, and most of those opposed to it were dismissed*. The judicial appointments having been modelled according to the wishes of the court, the trial was permitted to take place. The prosecution was conducted, as well as the defence, with an indecent coldness, which did not throw the most flimsy disguise over the real nature of the suit. A verdict was given in favour of the defendant, grounded on the king's dispensing power. Herbert, who had succeeded Jefferies in the high office of chief justice, delivered it as law, that the government of England resided entirely in the king. The king had an undisputed right of pardoning all offences, even the highest crimes, and of remitting the penalties annexed to them, and a power of pardon was certainly greater than a power of dispensation. Acts of parliament had been frequently superseded, judges had been directed to inquire after certain acts of parliament no more if they were found to be impracticable or

* Lord C. J. Jones, one of the displaced judges, was told by the king that his judges must be of one mind. Reresby's Memoirs

highly inconvenient ; and even the judges, though they could not repeal a law, were competent to suspend its execution. A. D.
1686.

All who expected to continue in place, or who sought preferment, by a sacrifice of honour or consistency, employed their abilities in defence of the maxim that the king can dispense with the laws. But the opinion of private individuals, or of unprofessional statesmen, not being thought sufficient, it was resolved to procure a solemn and formal determination of the judges. All except one subscribed the following propositions. 1. That the laws of England are the king's laws. 2. That it is an inseparable branch of the prerogative of the kings of England, as of all other sovereign princes, to dispense with the penal laws in particular cases, and on particular occasions. 3. That of those reasons, and of that necessity, the king is the sole judge. 4. That this is not a trust now invested in, or granted to the present king, but is the ancient remnant of the sovereign power of the kings of England, which was never taken from them, and never can be. Thus were the laws at once surrendered, by those who ought to have been their faithful administrators and intrepid defenders.

The parliament being virtually defunct, the laws being betrayed by their guardians, the protestant cause in England now rested with the clergy of the church of England. Their eyes were now opened, and they began to preach against popery, hoping to prevent the defection of their flocks, or to bring back such as had been seduced. James was no sooner informed of this

CHAP. circumstance, than, by the advice of his priests,
XIII. he sent circular letters to the bishops, with an order prohibiting the clergy from preaching on the controverted points of religion. But when their addresses from the pulpit were forbidden, the most learned and the most zealous of the English divines agreed to engage the Romanists with their own weapons. The papists knowing the popularity which the treatise of Bossuet had acquired, and the services which it had rendered to the church of Rome, followed the same method in England, though with infinitely inferior abilities, and with inferior success. They published in quick succession several tracts, entitled, "Papists represented and misrepresented," glossing over the corruptions of the church of Rome. The divines of the English church published a number of small tracts in a similar form in defence of the protestant faith. Scarcely a week elapsed in which some seasonable tract against popery was not dispersed; and since they have been collected, they form a valuable accession to the theology of the nation and of the protestant church*. The chief writers were Stillingfleet, Patrick, Tillotson, and Atterbury. Never was a bad cause more weakly defended than by the papists at this crisis, and the victory of the protestants required not the abilities engaged in the contest to procure an easy triumph over such contemptible antagonists.

Even the least bigoted and bitter of the non-conformists could refuse to allow the sole glory of

* A collection of these tracts was published under the direction of bishop Gibson, in three volumes, folio. Birch's Life of Tillotson.

A. D.
1686.

standing forward in the hour of peril to combat popery backed by regal power, to the clergy of the national church. But the admission has been accompanied by an invidious deduction from their merit, that they coldly received or contemptuously rejected the aid of the dissenters. The licensers of the press have been accused of refusing permission to the tracts of the dissenting ministers against popery. Such a serious charge has been amply and satisfactorily refuted by the express testimonies of many of the individuals implicated in it*, and by the general character of the others; and above all, it has been completely disproved by the admissions of the dissenters themselves. They have said, in apology for their remissness, that churchmen were more nearly concerned, the nonconformists having nothing to lose, whereas the emoluments of the church were in danger. They also have alleged, that the dissenters kept a neutral ground, neither ranging themselves on the side of popery and the prerogative, nor appearing against the removal of the tests which concerned themselves. On the one hand they were unwilling to provoke the king, on the other hand they feared to provoke the clergy, lest a combination against them should take place between the court and the church. They therefore prudently resolved to leave the popish contro-

* Dr. Z. Grey has quoted Letters from Doctors Isham, Alston, Baddely, and Mr. Newham, declaring that they never refused to license a book against popery, because it was written by a dissenter. One tract from Mr. Hammer, a dissenter, had the Imprimatur of Dr. Jane. Grey's Exam. of Neal, vol. ii. p. 342.

CHAP. versy in the hands of those who were most inter-
XIII. ested in repelling its advances.

The conduct of the clergy, noble and independent as it was, occasioned the beginning of an irreconcilable rupture between the king and the church of England. He was induced to conciliate a body of men, and to use them as auxiliaries, whom it had been hitherto his aim to persecute and destroy. He made overtures to the dissenters, and attempted the introduction of popery under the mask of universal toleration. The domineering cruelty of the English church was now the common topic of his conversation; he reproached it for its severities against the dissenters; and he asserted, with unblushing effrontery, that a universal and unrestricted toleration had always been the object of his wishes, and would have been the rule of his government, if he had not been restrained by some leading ecclesiastics. Yet before he resorted to this mode of caressing the dissenters and of criminating the church, he had twice offered to make a sacrifice of all the nonconformists, and to give them up to the rigour of the penal laws, if the church would shew some favour to the papists*. Failing in his attempt, he entertained hopes that the nonconformists would be more tractable; and without any apparent reason they were taken into favour, and the benefit of the dispensing power was extended to them. Herbert in the summer of this year went the western circuit, on the scene where Jefferies had exercised his cruelties, and he was

* Calamy's Hist. of his Own Life, vol. i.

remarkable for his gracious deportment to separatists of all denominations. Their former sufferings were commiserated, and the presumed authors of these sufferings were censured; every alleviation of their supposed hardships was anticipated; their ministers were encouraged to establish conventicles, with an intimation that no disturbance should be offered to their religious meetings. An office for dispensations was established, where all applicants, on payment of a small fine *, might obtain a regular license for themselves and their families, to attend any religious meeting without fear of ecclesiastical censures or temporal penalties †.

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And in order that their feelings of gratitude towards the king might not be unmingled with sensations of resentment against the clergy, commissioners were appointed throughout England to inquire what money had been raised by informations against the nonconformists. These commissioners had powers to inquire what prosecutions had been instituted for recusancy, the names of the informers who had been paid fines, or procured them by distraining; and these names were to be returned into the exchequer. The informers, if living, were obliged to appear before the commissioners, and if dead, their representatives were obliged to appear in their behalf. An inquiry was to be instituted into all the vexatious suits instituted in the ecclesiastical courts, and the amount of the compositions which the nonconformists had been

* Fifty shillings. Neal's Hist. of the Puritans, vol. v. p. 16.

† Burnet's Hist. of his Own Times, vol. ii. b. 4.

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obliged to pay to redeem themselves from farther molestation. It was expected that this exposure would have animated the dissenters to retaliate on the clergy, but they forebore to avail themselves of so tempting an opportunity. They could not but discern the motives which had called forth this sudden appearance of favour from the king, and though they took advantage of the indulgence to establish their conventicles, yet they resumed their meetings without any mark of thankfulness to the king, or of vindictiveness to the church.

To complete the humiliation of the clergy, and to establish the supremacy of a popish king over a protestant church, James, by the advice of the lord chancellor Jefferies, erected a court of ecclesiastical commission. Though the statute which had abolished the high commission court had distinctly provided that no tribunal of a similar kind should again be established, yet, in contempt of this statute, a court was now formed, with plenary authority, and by a summary process to take cognizance of all ecclesiastical matters, without being limited by any rules of canon or civil law. This extension of the supremacy was made by a king whose religion taught him that any regal supremacy in the church of Christ was heretical; but probably his priests overcame his scruples, if any arose, by suggesting that the ecclesiastical state of England was not the church of Christ.

The persons to whom this formidable authority was entrusted, and who composed the supreme court, which was described as nothing more than a standing court of delegates, were in num-

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1686.

ber six. There were three ecclesiastics, the archbishop of Canterbury, the bishops of Durham and of Rochester; and three laics, the lord chancellor, the lord treasurer, and the chief justice of the king's bench. There was a semblance of propriety in the official selection of the lay commissioners, but, with the exception of the primate, the ecclesiastical commissioners were selected for a reason disgraceful to themselves, namely, for their supposed flexibility.

The archbishop of Canterbury cannot be deemed, by his warmest admirers, to have acted on this occasion with that firmness which his character and station demanded. Fully convinced of the illegality of the court, aware that his name was inserted in the commission, he ought to have insisted on its erasure. But he contented himself with signifying his disapprobation of the pretended court, by absenting himself from it; and his absence was capable of a doubtful interpretation, some ascribing it to timidity, and others to conscience.

The second prelate named in the commission was Nathaniel Crewe, bishop of Durham, whose questionable integrity and inferior abilities are not redeemed by his ostentatious patronage of learning, and even by his munificence to the university of Oxford. He was the only prelate of noble birth who had been promoted since the Restoration, and he considered an admission into the house of peers as the most valuable appendage to his sacred office. Of all the bishops he was the least scrupulous, and the most obsequious to the measures of the court. He has been

CHAP. styled the grand inquisitor of the ecclesiastical
XIII. commission, and he expressed the highest satisfaction at his appointment, because his name was likely to be recorded in history.

The bishop of Rochester, Sprat, was not, like the former prelate, of high extraction, his father being a retired clergyman; he was not, like Crewe, of inferior abilities and attainments, for he was a poet of "mediocrity," and a prose writer of estimation. But he resembled Crewe in the ductility of his principles, though he had sufficient ingenuity to extenuate his tergiversation. In the time of the Usurpation he was a fellow of Wadham College, Oxford, when Wilkins was its head, and lamented the death of Cromwell in an elegy remarkable for nothing but the extravagance of its praise. After the Restoration he entered into the church, and, by the recommendation of Cowley, was appointed first chaplain to Villiers, duke of Buckingham, and then chaplain to the king. As he was the favourite of Wilkins, he was engaged in those philosophical conferences which in time produced the Royal Society, and after its incorporation undertook to write its history. Though his venal muse had described Cromwell as a finished hero, yet, on the change of affairs, he adhered so firmly to the family of the Stuarts, that he established a claim on its gratitude. He was too intimate with James for a staunch protestant, and his History of the Rye-house Plot was remunerated by his advancement to the see of Rochester, which he held with the deanery of Westminster. His appointment to a seat among the ecclesiastical commissioners was

not to him, as to Crewe, a matter of exultation; he even professed himself unable to justify his acceptance of the office. According to his own statement, his name was inserted in the commission without his knowledge, and though the legality of the court had been confirmed by the opinion of the crown lawyers, yet so contrary was its establishment to his own judgment, that he consented to act in it with the intention of doing as much good as he was able, and of hindering as much evil as he possibly could*.

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On the character of two out of the three lay-commissioners, Jefferies and Herbert, it is needless in this place to enlarge; but the third cannot pass without a comment. The lord treasurer at this time was the earl of Rochester, the second son of the first earl of Clarendon, and consequently connected with James by the marriage of his sister. In the last reign he was advanced to a seat in the treasury, then in commission, and, in conjunction with Sunderland and Godolphin, had the management of the state. He appeared among the foremost of the anti-exclusionists, and, in consequence of an address from the house of commons, he was removed from office, and elevated to the peer-Great. 1681. age. In the last year of the reign of Charles the Second he was again recalled to the administration as president of the council, and on the accession of James was appointed lord high treasurer. He inherited the affection of his father for the church of England, though he was not possessed of equal capacity to defend its rights. On no one did the

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king practise with greater address to procure at least a nominal conversion to popery, than on the earl of Rochester. But to his honour, he decidedly refused compliance, though loss of favour and office was the consequence. His acceptance of a seat in the ecclesiastical commission was in sincerity from the motive which Sprat avowed, to prevent the admission of some other person who might effect greater mischief.

Jefferies was constituted the president of this court, and his presence was necessary to the transaction of any business. It was in fact the court of Jefferies, and, as keeper of the king's conscience, though he had no conscience of his own, he instituted this illegal tribunal to complete the subversion of the church. He had failed in moulding the house of lords to the will of an arbitrary prince, but in this new court his own will was to be the rule of law, equity, and religion*.

It was some time after its institution before any matter was brought under its cognisance, but the first person who felt its severity was the bishop of London. Sharp, the rector of the parish of St. Giles, a man of exemplary character, and one of the most popular preachers in the metropolis, as he was descending from his pulpit, received a written challenge to dispute on some points of controversy handled in his sermons. The paper was anonymous, and therefore, as he could not answer it in any other manner, he preached another sermon in vindication of what he had before

* In the commission the earl of Sunderland is named as president of the council, but Burnet does not mention him.

asserted; and after he had confuted the objections raised against his doctrine, concluded by shewing the unreasonableness of deserting the protestant faith on such light and insufficient grounds as are commonly taken. The substance of this sermon, with many exaggerations, was reported at court, and represented as a contempt on the religion of the king. Without any inquiry into the accuracy of the information, and without any communication with the person accused, Sunderland transmitted to the bishop of London a letter containing a mandate from the king, requiring the suspension of Sharp, until he had given satisfaction for the offence which he had committed.

A. D.
1686.Dated
June 14.Delivered
June 17.

Without taking a long time for deliberation, the bishop in respectful language answered, that it was impossible for him to comply with the king's command. In the capacity in which he must execute it, he must act as a judge, and no judge passes a sentence of condemnation, or inflicts a censure, without hearing the party. Yet having sent to the person accused, he found him ready to give all satisfaction to the king, and therefore sent back the answer by the hands of the person who had unintentionally given offence.

Sharp went to Windsor with the bishop's answer, and with a petition from himself, denying the charge of faction; and, to shew his submission, had abstained from the public exercise of his function since notice had been received by him of the king's displeasure. He offered to shew the notes of his sermon, and to swear that he had used no expressions in delivering it which were not contained in the notes. But he was

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refused admission, and yet escaped without any farther molestation. The whole weight of the king's resentment fell on the bishop of London, and it was resolved to proceed against him in the new ecclesiastical court for a contempt.

August.

This prelate being the first who was summoned before so questionable a judicature, was not prepared with any defence. When asked by Jefferies his reason for not suspending Sharp, the bishop replied, that his legal advisers had said that it was impossible; but as he was not provided with a formal defence, he requested a copy of the commission, by authority of which the court sat, and a copy of the charge laid against him.

A copy of the commission was refused, for Jefferies said that it might be seen in any coffee-house in London: a copy of the charge could not be granted, for proceedings in courts of this kind were not by libel and articles, but by verbal examination. A delay of a week was granted for the bishop to adjust his defence, a term which, on his next appearance, was extended to an additional fortnight.

August 29.

On the day appointed for the hearing, the bishop appeared, attended by his counsel, and accompanied by many persons of the highest quality. He said that this was a court directly contrary to the statute law, and he was advised through his counsel to plead its illegality. For himself he said; "I am a bishop of the church of England, and by all the law in the Christian church in all ages, and by the particular law of this land, I am, in case of offence, to be tried by

my metropolitan and suffragans." His defence consisted of two parts; the first being an exception to the authority of the court, the second a denial of the charge. On the first point he expressed himself with a diffidence and gentleness which has been blamed; but on the second he insisted with great force. He contended that he had obeyed the commands of the king as far as he legally could; that he had virtually, if not judicially, suspended Sharp, but that it was impossible for him to pronounce an ecclesiastical censure without a regular process. He offered the petition of Sharp, which the king had refused to accept, to be read in the court, but it was rejected.

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It is evident that the arguments of the bishop were unanswerable, because no answer was attempted*, and because they produced a suitable impression on those commissioners who were not impenetrable to conviction. On Rochester and Herbert they had due effect; but on the ferocious Jefferies, and the fawning Crewe, argument was unavailing. They had the effrontery to propose that the bishop should be suspended during the king's pleasure; but as this proposition was overruled by the majority of the commissioners, no sentence could be pronounced.

But the king was resolved to carry his point, and to secure one of the commissioners in order to form a majority. The disgraceful preference was

* Dr. Pinfold, the king's advocate, stood by the chancellor taking notes, but when it was expected that he should make a reply, he said nothing. State Trials, vol. xi.

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Sept. 6.

shewn to Rochester, and he was plainly told that he must concur in the sentence of suspension, or quit his office. The integrity of Rochester yielded to this menace; he appeared with the rest of the commissioners after a few days, and an instrument was read, inhibiting the bishop from exercising his episcopal functions during the king's pleasure *.

Of a victory thus hardly and ignominiously gained, the triumph could not be great. The suspension of the bishop could not affect his temporalities, for the lawyers had long since decided that ecclesiastical benefices partook of the nature of freeholds. His spiritual authority no human law, and no human violence, could touch, and his clergy were more obedient to the secret intimations of his pleasure now, than they had been when his authority was unfettered. Intercessions the most earnest were sent from the princess of Orange for his restitution; and the bishop himself, though without any acknowledgment of fault, sent a respectful petition of the same purport. The king, though dissatisfied with his partial victory, was unwilling to retract, and afraid to pursue it; and though the bishop remained two years under suspension, no farther process was instituted against him. To evince more plainly that Compton was the sole object of resentment, Sharp, though judicially superseded

* The instrument of suspension was not signed by any of the commissioners. Crewe and Sprat, two of the commissioners, with White, bishop of Peterborough, were appointed to exercise the ecclesiastical jurisdiction of the diocese of London.

by the pretended court, was soon permitted to return to the exercise of his function *.

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1636.

To suspend the functions of the two houses of legislature, because they refused to alter or modify the penal laws; to assume an arbitrary control over those laws, by dispensing with their penalties; to maintain a standing army for the purpose of awing discontent, and silencing the just complaints of an injured people; to erect a new ecclesiastical court, which avowed its independence of all legal forms, precedents, and enactments, were the steps which the infatuated James had unresistingly advanced, towards the object of his hopes and wishes, towards the subversion of the constitution and the liberties of England. Farther he had little occasion ostensibly to go, for now it only required the natural operation of the instruments employed by him to effect the complete destruction of the civil and ecclesiastical polity.

The patronage of the church was an engine too powerful not to be used in this work of demolition, and it was accordingly bestowed on men whose timidity or tergiversation would oppose no obstacle to the measures of the king. The larger and richer bishoprics, as they became vacant, he intended to reserve till he could fill them with papists; and the archbishopric of York, which at this time was vacated by the death of Dolben, he resolved to keep open, with a view of raising to it father Petre, his own confessor and a Jesuit.

* Bishop Kennet says that he himself obtained this restoration of Sharp through the intervention of Mr. Pepys. Complete Hist. vol. ii. p. 483.

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This promotion was an infraction of the discipline of the church of Rome, which excludes the jesuitical order from episcopal promotion.

Such was his intention in regard to the more lucrative sees ; and as to the others he resolved to fill them with men who would either betray the church or bring it into contempt. The death of two eminent divines, Pearson and Fell, presented an opportunity of fulfilling his intention, and he found, or thought he had found, two men with the qualifications useful for his purpose in Cartwright and Parker.

Cartwright during the Usurpation had been a forward and popular preacher among the independents, but as it was his ruling maxim to conform with the dominant party, he was a devoted royalist and episcopalian at the Restoration. In the last reign he had been one of the king's chaplains, and was successively a prebendary of St. Paul's and of Durham. In the present reign he enlisted himself on the side of the prerogative, boldly asserting in one of his sermons that the promises of the king to his parliament were not binding. Law, he said, was only a method of government which kings might adopt or not as they pleased ; their authority was derived from God, being absolute and above all law, and they might exert this authority as often as they found it conducive to the public good. His moral was not of a higher cast than his political character, and in his religious creed he was neither protestant nor papist*. It would have been no

* Richardson, in his edition of Godwin de Priestibus, says that Cartwright publicly professed the faith of the church of

aggravation of his vices, and rather a palliation of the conduct of James, if Cartwright had been a A. D.
1686. sincere convert to the church of Rome.

The selection of Cartwright to succeed Pearson in the see of Chester it is impossible to regard with any other feelings than those of unmixed indignation; but the appointment of Parker to the see of Oxford raises mingled sentiments in those who are conversant with his previous life. Once this preferment would have been hailed, if not with unmixed pleasure, yet with no small portion of respect; it would have been considered as scarcely an adequate reward: it was now deemed a paltry bribe. The life of this individual furnishes a moral too useful not to be insisted on. If there be any one whose neglected merit or whose repulsed assurance in the disposal of preferment shall have excited discontent, and prompted to gain the favour of the powerful by undue compliance and by a sacrifice of conscience, let him be admonished by the example of Samuel Parker.

The enemies of this individual have been studious to conceal, and his friends have been willing to forget, what he once was, and the height from which he fell; though the one might have found in it an aggravation of their exultation, and the other a mitigation of their resentment. He was descended from puritanical parents, and was educated at Oxford, when that university was a school of puritanism. He was committed to the

Rome; Wood affirms the contrary in the *Athen. Oxon.* Some of Cartwright's sermons are in print.

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care of a presbyterian tutor, and belouged to "the straitest sect" of these puritanical disciplinarians *. But it was observed, that though he made an outward show and profession of a mortified and abstemious life, his disposition was more liberal, and his talents more attractive, than generally falls to the lot of sectaries. It was without surprise or anger, except from those whom he had deserted, that the Restoration occasioned a change in the habits and opinions of Parker. He left Wadham College, and entered himself at Trinity, where he was patronised by its president, Ralph Betharst. To this excellent man he acknowledged himself indebted for many benefits, and for none more important than for emancipating him from the prejudices of his education. Pursuing a course of useful study, he published a treatise on natural theology †, which he dedicated to Sheldon; and so great was its merit, that the primate honoured him, not only by patronage, but friendship. He was first chaplain to the archbishop, then archdeacon, and finally prebendary of Canterbury. In these responsible situations he conducted himself with ability, though not with prudence. His theological studies were not neglected, for he gave to the world a treatise containing a demonstration of the divine authority of the law of nature and the Christian religion ‡. But he was, to his misfortune, better known as a

1665.

1670.
Preb.
1672.

* A sect called *gruellers*, from their diet, which was of poor broth.

† Tentamina.

‡ This work is commended by Dr. Lardner in his *Jewish and Heathen Testimonies*.

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controversialist, and as a spirited yet acrimonious opponent of the nonconformists. His style was lively and forcible, his learning exact and copious. The violence of his attacks provoked the famous Andrew Marvel to answer him, but it is in the opinion of whigs only that Marvel was superior to Parker even in wit, in learning comparison would be ridiculous. At this period of his life, such was his zeal for the church of England, that he sent a written address to James while duke of York, penned with his usual energy of diction, persuading him to renounce the church of Rome. He gave due praise to James for the sincerity of his adherence to the Romish faith in opposition to his secular interest, but he laboured to remove those prejudices which the duke unhappily entertained against the English church. "If," he says, "by a true and sincere account of things, I can bring your conscience over to the church of England, though I shall not bring your conscience to your interest, yet I shall make them meet; for if that were satisfied, it is obvious on which side the advantage lies *."

Unhappily for both, the conscience of James was opposed to the interest of Parker, and Parker submitted to bring his interest to his conscience. Whether his struggles were severe, or whether his acquiescence was sudden; whether he was wrought upon by tempting offers, or whether he voluntarily presented himself to James; is not

* Letter sent by Sir Leoline Jenkyns to the late King James, to bring him over to the Communion of the Church of England. The tract is in the Bodleian Library. Pamphl. Godwin, 13.

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recorded. His lamentable defection from the faith which he formerly defended was sufficiently notorious, by his acceptance of the bishopric of Oxford. It was known to be the price of his treachery, for which he sacrificed reputation and peace of conscience. His change of opinion was immediately proclaimed by himself, for he published a tract containing reasons for abrogating the test imposed on all members of parliament. It was not without ingenuity; and his two reasons, that the test diminishes or rather takes away the natural rights of the peerage, and that its origin is ignoble, being brought forth to give reputation to the perjuries of Oates, are strongly argued. He calls the test the *Oatesian sacrament*. But when he comes to defend the doctrine of transubstantiation, and to clear it from the charge of idolatry, he shews that "zeal without knowledge," which is often found in a neophyte, and always in an apostate*.

The introduction of two such men into the prelacy for such a purpose excited considerable apprehensions among the clergy, who in the general faithlessness continued faithful. Articles impeaching the doctrines and the morals of the two bishops elect were brought to the archbishop of Canterbury, which the primate was requested to offer to the king in council, accompanied by his

* He ends the tract in the following curious style. "Thus begging allowance for human infirmities, lesser errors, and mistakes, which in so much variety of argument and citation will escape the greatest care, I have declared my *present* judgment of this unhappy law, as I will answer for my integrity to God and the world."

own petition that the consecration might be delayed. Sancroft promised that he would pause till he had examined the truth of the articles, but seeing the danger to which he was liable, he quieted his own scruples, and without remonstrance obeyed the royal mandate of consecration.

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1686.

Affairs were now ripe for the execution of another project which the king had long contemplated, of issuing a declaration for a general liberty of conscience. It was first sent into Scotland, and by virtue of his regal prerogative, which the preamble asserted to be absolute, the king repealed all the severe laws enacted in his grandfather's reign during his minority. He removed all the disabilities imposed on his Roman catholic subjects, and made them capable of all employments and benefices; he mitigated the laws made against the moderate presbyterians, and promised never to force the consciences of his subjects; he repealed all former laws imposing tests on those who were admitted to employments, and in their stead substituted a declaration against rebellion, and a promise to maintain against all impugnors the absolute power of the monarch.

1687.

February.

So ambiguously was the first declaration expressed, that another was sent less liable to objection, in which full liberty was granted to all presbyterians to establish conventicles on their own principles. For this declaration addresses were presented full of acknowledgments; but to the request of concurring in the repeal of all the penal laws, the answer was returned only in vague and general terms.

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April 4. This step prepared the way for the publication of a similar declaration in England. The king first called a council, in which he announced his intention, and then put it into execution: this stated that nothing was more earnestly desired by the king than the welfare of the people, and that nothing would more conduce to their happiness than the free exercise of their religion: he could wish that the people of his dominions were all members of the catholic church, yet it had long been his opinion that conscience ought not to be constrained. To force conformity in religion is contrary to the interest of government, since it destroys trade, depopulates countries, and discourages strangers. The king was more strongly confirmed in his opinion from the experience of the last four reigns. Kings, aided by their parliaments, had endeavoured to establish an uniformity, but their efforts had been frustrated. The horrid rebellion in the time of his father had shewn that the restraints on the dissenters had been highly prejudicial to the public good. His assurances were reiterated of securing to the church of England all its rights and immunities, but that he might not be deprived of the services of any class of his subjects, all recusants were to be protected in their religion, and the oaths of supremacy and allegiance, and the several oaths and declarations required in the last reign, should be dispensed with in all who were admitted to any employment. To prevent any abuses which might arise from this unrestrained license, and any violation of the peace and security of government, a caution was added, that no doctrine tending to alienate

his subjects from their prince should be tolerated, and that all assemblies for divine worship must be peaceable and public. Though he had issued this declaration by his own authority, yet he doubted not the concurrence of his two houses of parliament, when he should think it convenient for them to meet.

A. D.
1637.

If such a declaration were variously received, and in some instances with sincere or adulatory expressions of thanks, it was precisely what must have been expected from the state of religious opinion, and from the general loyalty of the nation. The dissenters were divided at this time into four bodies, the presbyterians, the independents, the anabaptists, and the quakers. The two former sects had not any visible distinction in their mode of worship, they differed ostensibly on discipline; and as they constituted, when taken together, not more than a fourth part of the dissenting interest, it was usual to confound them, or to consider them but as one body. In their political sentiments however they differed widely. The presbyterians, although not without some striking exceptions, were favourable to a limited monarchy, while the independents universally were republicans. Both were hostile to the high prerogative which the king assumed, and especially to a legal supremacy in matters of religion. They were not inclined to admit the papists to a full toleration, and were therefore averse to a removal of the tests. The anabaptists professed universal charity, and as their enthusiasm had separated them by a great distance from the church of England, so nothing but an universal and

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indiscriminate toleration could render them capable of favour or employment. The quakers, in spite of their uncouth and absurd habits, and their affected contempt of all honours and distinctions, were admitted to a free access to the court, and were laughed at and caressed.

With these four classes of dissenters, it was suggested that the king designed to settle the religious differences which had so long distracted the nation, and to enact a perpetual and pacific law, accompanied with extraordinary solemnities. This law was to be styled the *MAGNA CHARTA* of religious freedom.

There were meetings of the leaders of all these different sects; and it is not a matter of wonder, far less of censure, that some of the most sanguine among each should have returned thanks for an event which they imagined to be the dawn of a millennium. Their strains of gratulation were fulsome, and those who had hitherto reproached the church with servility and adulation exceeded it in both these qualities. The presbyterians, forgetting their stern reserve, broke forth into the most rapturous expressions of joy for the "fulness and freeness" of the royal grace, and compared the declaration to that angelical song, which brought into the world the Prince of Peace. The independents, looking forward to an ulterior deliverance from kingly power, from ecclesiastical discipline, and all liturgical forms, promised that they would labour with a constant emulation to be the most forward and faithful in their allegiance to the king's person and power. The anabaptists, seated on the Pisgah of expectation, and

contemplating the approaching reign of Christ upon earth, joined in the chorus of exultation for a blessing of which none could complain but such as made gain of pretended godliness. Even the quakers, of sluggish feeling and cautious phraseology, though not the foremost in the train, professed themselves not the least sensible of the great favours granted and promised, and spoke their joy that a king of England, from his royal seat, should assert that conscience ought not to be restrained in matters of religion*.

A. D.
1687.

Some of the addresses being penned under the direction of the court, went beyond the effusions of joy and unalloyed gratitude; for they contained severe reflections on the cruelty of the clergy and the persecuting spirit of the church. Excess of pleasure could not warrant this resentment, it aggravated the offence; and though it was harboured by the more inconsiderate of the dissenters, and cherished by the king, yet the more sagacious among them, however grateful for their liberty, were fearful of the issue†. At a general meeting of the dissenting teachers, when their proceedings were watched with so much anxiety that two messengers waited to carry back the result, one of the ministers‡ stood up and delivered his opinion against the dispensing power,

* Dr. Z. Grey, in the fourth volume of his *Examination of Neal*, has given at large eight different addresses from different denominations of dissenters, and has referred to seventy more in the same strain.

† Marquis of Halifax, in a tract published by him at this time.

‡ Mr. Howe's *Life*, p. 234.

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XIII.

and against every indulgence which might enable the papists to subvert the protestant religion. Another * more candidly said that he apprehended their late sufferings had been occasioned more by their firm adherence to the constitution and to civil liberty, than for their disagreement with the church; and therefore, if the king expected them to give up the constitution, and yield to his dispensing power, he, for his own part, preferred to lose his liberty, and to return to his former bondage. At the conclusion of the meeting the motion for an address of thanks was negatived, and the agents for the court departed in disappointment. There was at the same time a meeting of the city clergy, waiting the event of these deliberations, and they were greatly encouraged by the bold and patriotic determination of the dissenting ministers.

Such however was the general satisfaction, whether apparent or real, that it encouraged the king to persevere in his design of levelling the ecclesiastical establishment to the ground, if he could not fill it with papists. The latter alternative he preferred, and continued to make the most desperate efforts to accomplish it; if he failed, it still remained to gratify the dissenters, by reducing the church and themselves to an equality.

* Dr. Daniel Williams. See Life prefixed to his Sermons.

CHAPTER XIV.

Attack upon the Universities of Cambridge and Oxford.—
 Visitation of the Ecclesiastical Commission to the latter.—
 Wise and firm conduct of Dr. Hough, President of Magdalén College.—Arrival of the Pope's Nuncio.—James caresses the Dissenters.—Letter of the King to the Princess of Orange.—Fagel's Letter printed.—Pregnancy of the Queen.

THE attack on the episcopal authority, and the degradation of the episcopal order by an abuse of ecclesiastical patronage, was succeeded by an invasion of the privileges of the universities. One of the leading maxims of the Jesuits was to engross the education of youth, and they imagined that by gaining an establishment at Cambridge and Oxford, their reputation in teaching youth would supersede all other academical institutions. It was proposed by some of the more cautious, that the king should endow a new foundation in both universities; but James thought it a more compendious and less expensive way to model the foundations already established. They were not the establishments of national contribution, but the creatures of private charity. Most of them were founded when England was a member of the church of Rome, and their statutes had a reference to the Romish ritual. To reinstate the Romish discipline, was, in the estimation of James, to restore the colleges to the situation

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CHAP. which their founders designed; and if Wykeham
 XIV. or Wainfleet could revisit the scenes of their munificence, they would be gratified by seeing monks in the cloisters of New College and Magdalen.

Cambridge underwent the first assault, or rather the first trial, for it was on a point where opposition was least to be expected. The king
 Feb. 9. sent his letter or mandate, commanding the university to admit Alban Francis, a Benedictine monk, to the degree of master of arts, without administering to him any of the customary oaths. Mandates of this kind had been generally obeyed, if an admission to only an honorary degree was required; and when foreign princes or ambassadors, of whatever religion they might be, visited the universities, they generally received this mark of distinction. The secretary of the emperor of Morocco, who was a Mohammedan, was complimented by a degree. But there was a wide distinction between honorary degrees conferred on strangers, and degrees accompanied by privileges.

Foreseeing that if this degree were granted it would lead the way to others, the university with great unanimity, and with a firmness which was unexpected, declined to obey the mandate. The vice-chancellor* delayed to summon a congregation twelve days after the receipt of the letter, and the senate made use of this delay to procure legal advice. It is customary that all graces for degrees must first be proposed to a committee called the *head* †, which consists of six persons,

Dr. Peachell, master of Magdalen College.

† Or *caput*.

any one of whom has an arbitrary power of hindering the introduction of any grace into the senate. One of these members was a declared Roman catholic, and it was presumed that he would prohibit all farther proceedings, and not suffer the royal candidate for a degree to be rejected by the suffrage of the house.

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This consideration induced the university to depart from its ordinary course, which was to testify the concurrence of the senate with the vice-chancellor without the formality of a suffrage, and their advice that he would delay the admission of Francis until the king had been petitioned to revoke his mandate. The vice-chancellor first requested the duke of Albemarle, who was chancellor of the university, to intercede personally with the king; but his intercession being tried without effect, instead of a general petition, it was deemed more respectful to express their sentiments by two representatives of the two houses of regents and nonregents. The sense of the two houses was, that the admission of Francis without taking the oaths was illegal and unsafe. The candidate was sent to, to ask his compliance, but he refused, insisting on the king's dispensation.

Francis returned with expedition to Whitehall, and a second mandate in more peremptory terms was transmitted. In consequence, a representation was drawn up and presented to the king, submitting the reasons which guided the university in disobeying the mandate, and deprecating the royal anger. The representation was offered

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by the delegates of the university to the secretary of state; and an answer was given, indicative of the king's resentment, and of his resolution to institute farther proceedings against the university.

1687. A summons from the ecclesiastical commissioners was sent to Cambridge, requiring the attendance of the vice-chancellor, and deputies from the senate*, to answer for a contempt. The integrity of the chief magistrate of the university was greater than his presence of mind, and of all the deputation he was the least qualified to support the academical dignity and privileges. On his first appearance, he was treated by Jefferies, not with his wonted ferocity, but with a contemptuous pity. He pleaded for longer time, which was allowed; he gave at the second appearance a written defence, which Jefferies called on him to explain, and he shewed considerable embarrassment.

The case was so strong in favour of the university, that the awkward deportment of the vice-chancellor could not injure it. The storm
May 17. fell entirely upon him; he was sentenced to be removed from the office of vice-chancellor, and from the headship of his college; and the revenues of his headship were to be given for the benefit of the society over which he presided.
May 12. The deputies were commanded to attend on a subsequent day, when they were reprimanded for their disobedience, and dismissed without punish-

* One of the deputies was Newton, at this time Lucasian professor of mathematics.

ment*. Another vice-chancellor† was elected, better able to sustain his office; and in his inaugural speech he promised that neither the rights of the church nor the rights of the university should suffer through his means. The court thought it imprudent to try his firmness, and to persevere in its attempt of obtaining a degree for the Benedictine monk; and thus the university preserved its chartered privileges in their integrity.

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The attempt on the university of Cambridge was defeated in a manner which ought to have checked the king in his prosecution of a far more glaring act of injustice towards the university of Oxford. Already he had conferred the most important academical station, the deanery of Christ Church, of which he had the indisputable patronage, on one Massey, who had no other quality to recommend him but proselytism to the church of Rome. Not long after this atrocious appointment, the president of Magdalen college died, and the Jesuits could not resist the tempting opportunity of getting this rich foundation into their own power.

The presidency of this college, by its local statutes, confirmed by royal charter, was in the election of the fellows, and the election was completed by the confirmation of the visitor, the bishop of Winchester. According to statute, the vice-president‡, on this occasion, affixed a citation on the March 31. door of the chapel, signifying the vacancy, the time, and the place of election. Two days before April 13.

* "Go, and sin no more," said Jefferies.

† Dr. Balderson, master of Emmanuel College.

‡ Dr. Aldworth.

CHAP. the time appointed, Robert Charnock*, a fellow
XIV. of the college, delivered to the vice-president and
April 11. other fellows letters mandatory from the king,
requiring them to elect for their president An-
thony Farmer, a member of the college, but not
on the foundation. The vice-president having
communicated the letter, and demanded an opin-
ion on the propriety of compliance, it was unan-
imously agreed to defer the election till the latest
day prescribed by the statutes, and especially as
a petition or remonstrance had been sent to the
king, stating that the person recommended was
not eligible by the statutes of the college.

An answer from the king through the président
of the council was communicated, merely saying
that he expected to be obeyed. The answer was
read, and the question was proposed, whether
they would proceed to the election: it was unan-
imously voted in the affirmative. It was also de-
manded, whether before the election a second ad-
April 15. dress should be made to the king; but, with the
exception of four, one of whom was the vice-
president, they declared for proceeding to the
election immediately. This being the sense of
the majority, the election proceeded with the ac-
customed solemnity of receiving the sacrament,
and it was decided in favour of John Hough, a
bachelor in divinity, and one of the senior fellows.
On the following day the president elect was
presented to the bishop of Winchester†, and the
election was confirmed by the visitor.

* He was afterwards executed for being concerned in the
assassination plot against king William

† Peter Mews.

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To appease the royal displeasure, the college followed the example of the university of Cambridge, by soliciting the duke of Ormond, the chancellor of the university, to interpose his mediation. The bishop of Winchester, either spontaneously, or on a similar request, stated to the president of the council the circumstances of the case, the ineligibility of the candidate recommended by the king, and the general loyalty of the college. These representations had no weight; that engine of arbitrary power, the ecclesiastical commission, was set in motion, and the vice-president and fellows of Magdalen College, Oxford, were cited to appear before it, for disobedience to the royal mandate.

An answer to the citation was presented by a deputation of the fellows, in which they stated that their college was a body corporate, governed by local statutes, granted and confirmed by a royal charter; that the fellows are under the obligation of an oath to observe these statutes; that, according to their enactments, the fellows are bound to elect for their president one who is, or has been, one of their own body, or a fellow of New College; that Anthony Farmer possessed neither of these qualifications; and that they could not comply with the king's letter "without the violation of their oaths, and hazard of their legal interest and property."

The answer was signed by five only of the deputed fellows; the sixth* denied the legality of

Dr. Fairfax, afterwards dean of Norwich.

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the court, to the great mortification of Jefferies. But, in addition to this statement, on their second appearance before the commissioners, the fellows offered especial reasons why they could not admit the candidate recommended by the king. In the statute concerning the election of a president, his character is thus described ; that he must be a man of good reputation and good life, and circumspect both in spiritual and temporal affairs. In these requisites Farmer was notoriously deficient ; it was difficult to say whether his profligacy or his turbulence were greater. Irrefragable proofs of his immorality were offered in support of the allegations.

It was nugatory to offer the strongest arguments to a court so prejudiced. The president, the vice-president, and Fairfax, who had excepted against the jurisdiction of the court, were deprived. But one result arose from the firmness of the college, that Farmer was withdrawn. James had fixed on another object for this preferment, Parker, the bishop of Oxford.

July 18. After having issued an inhibition to the college against the election or admission of any persons into any place or office on the foundation, a man-

August 14. date was directed to the fellows, to admit the bishop of Oxford into the presidentship, notwithstanding any statute or custom to the contrary, with which the king thereby dispensed. Sunderland addressed a letter to the senior fellow*, requiring an immediate compliance with the king's

* Dr. Pudsey.

commands; and Parker himself signified to the same person his inability to be installed in person, and therefore nominated as his proxy the second fellow in seniority, or one of his own chaplains.

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The answer of the college to this second mandate was, that the place of president was already full. Instead of any citation from the ecclesiastical commissioners, the king thought it preferable to try personal interference. He was on a progress this summer through many parts of England, in which he courted the dissenters, and discountenanced the church of England. Taking Oxford in his way, he commanded the fellows of Sept. 2. Magdalen college to attend him at Christ Church. In language not suited to the dignity of a monarch, he told them that he was king, and would be obeyed: commanded them immediately to return and choose the bishop of Oxford their president, or they should feel the weight of his hand. "Is this," he asked, "your church of England loyalty?"

Return to the college they did, but not to comply; they unanimously submitted to the king this answer, that they were sorry to have incurred his displeasure, but that they could not proceed to a new choice without actual commission of perjury, and therefore they hoped he would excuse them.

Indirect threats were communicated to some of the fellows, with a view of intimidating them, and inducing compliance, but public spirit prevailed over every consideration of personal interest or safety. "A single college of honest

CHAP. and resolute men, carried more force than an
XIV. army*."

Oct. 21.

The last resort of James, the court of ecclesiastical commission, was employed; but, instead of a citation to Whitehall, certain of the commissioners proceeded to Oxford, and instituted a visitation of Magdalen college. The commissioners, on this occasion, were Cartwright, bishop of Chester, lord chief justice Wright, and baron Jenner. Cartwright was the president.

The different members of the college, even those who had been deprived, were cited, and Hough, with Aldworth, obeyed the citation. Fairfax, though still in Oxford, refused to attend; for it was an absurd contradiction in a court to cite an individual whom its pretended authority had suspended from his fellowship.

The proceedings were opened by a speech† from the bishop of Chester, in which he declaimed, in terms of severity, against disloyalty and disobedience. He urged, that the church of England taught an unconditional and unlimited obedience; he spoke of the king's promise to maintain the established religion, though it could not but be expected that he would give all possible encouragement to those of his own faith. He said farther, that Magdalen college, as well as all other corporations, were creatures of the crown, and that it was insolence in their local statutes to spurn against their maker. The irregularities of the college had brought on it this visitation, the consequences of which might be prejudicial

* Powell's Disc. Disc. 17.

† It is in print.

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to the church and the university. Yet, however they might escape in this world, these sins of disloyalty and disobedience were to be accounted for, above all other sins, in the next. He exhorted them by the bowels of Christ to lay these considerations to heart; the eyes of the world were upon them, and they should be careful lest their practices might influence their deluded admirers.

The court was then adjourned for several hours, and, after the names of the subordinate members had been called over, the legal president of the college, doctor Hough, interposed. Never was a man who exemplified firmness without unnecessary obstinacy, and suavity without undue concession, better than Hough. No man in the university, no man in the church, could have gone through the trial with greater propriety, or with equal commendation. He calmly said, that the space between the citation and the day of appearance was too short to admit of advising with counsel; he therefore desired a copy of the commission, and time to consider it. After the commissioners had offered to read it, an offer which was declined, a copy was denied.

To the question, whether he would submit to the visitation, his answer, twice repeated, was: "My lords, I do declare here, in the name of myself and the greater part of the fellows, that we submit to the visitation as far as it is consistent with the laws of the land and the statutes of the college, and no farther. I desire that this answer may be recorded."

On being farther pressed, he said; "I find that your commission gives you authority to change

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and alter the statutes, or to make new, as you think fit. Now, my lords, we have an oath not only to observe these statutes," laying his hand on the book, "but to admit of no new ones, or alterations in these. This must be my behaviour here; I must admit of no alteration from it, and, by the grace of God, never will."

If he were not aware of the objection, he was not unprepared for it. "Do you observe all the statutes? You have a statute for reading mass; why do you not read mass?" His answer was prompt: "The matter of that statute is now unlawful; it is abrogated by the laws of the land. The Act of Uniformity obliges us to use the liturgy of the church of England." He farther objected, that the ecclesiastical commissioners had dispossessed him of his freehold without being summoned or heard. When it was attempted to establish a precedent of a royal interference in the election of a president, he said, "I am the twentieth president since the foundation, and only four of that number have been recommended by the kings and queens of England, and they were every way qualified for the office."

Fairfax, who had refused at first to appear, on a second summons obeyed the citation, and the pithy sententiousness of his replies was strikingly contrasted with the calm dignity of the president. He peremptorily refused to submit to the authority of the bishop of Oxford. A similar question was put to all the fellows in order, and, with the exception of Charnock, all declined, only that Pudsey and Smith answered doubtfully.

The commissioners returned to London before

the final promulgation of the sentence, and, on the last session, the bishop of Chester ended the proceedings as he had commenced them, with an oration. He said that Magdalen college had been notorious for its contentious spirit. "You have," he said, "encouraged quarrels among yourselves, quarrels between yourselves and the president, quarrels at length between yourselves and visitor. By these steps, by quarrelling with the president and visitor, you have at last advanced to the highest pitch of insolence, to quarrel with your prince."

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Nov. 16.

Having grossly misrepresented the conduct of the society throughout the whole transaction, particularly the conduct of the president in protesting against his deprivation, a form of submission was tendered to all the fellows in succession, which they all refused, except Charnock and Smith. All the recusants were called in, and expelled for contempt; their names were erased from the books, and they were adjudged incapable of any ecclesiastical benefice or promotion. Charnock was appointed vice-president. The bishop of Oxford was forcibly admitted to the lodgings of the president, and the fellowships were soon filled by papists. Parker survived this event only a few months, and, by the authority of the king, Giffard, a popish bishop, was appointed his successor.

Ob. March
1688.

Having related the invasions which James made on the church and the universities, it remains to notice his simultaneous efforts to bring his kingdoms under the subjection of the see of Rome. For more than a year preceding he had carried

CHAP. on a secret correspondence with the Vatican, and,
XIV. in defiance of the law which made it treason, he now resolved to send an accredited ambassador to the pope. The earl of Castlemain was fixed on to undertake this dangerous mission, for the avowed purpose of reconciling the three kingdoms of England, Ireland, and Scotland to the holy see, from which they had heretically departed. Castlemain, if not a Jesuit, was in the interest of the Jesuits, and the reigning pontiff was an enemy of the Jesuitical order. After several audiences, in which the pope testified a marked indifference, Castlemain left Rome without effecting the object of his mission.

In return, the pope sent his nuncio, the cardinal Dada, to England, and just before the king commenced his progress in which the interview with the fellows of Magdalen college took place, he gave the papal representative a public reception at Windsor. The duke of Somerset being the lord of the bedchamber in waiting, had taken a legal opinion, that he could not perform the duty expected from him on this occasion without hazard. He therefore communicated his scruples to the king, and declined attendance. James asked him if he did not know that the king is above all law. Somerset replied, "You, sire, may be above the laws, but I am not." For this answer, Somerset was dismissed from all his employments*.

In his progress the king was generally received with a marked coldness, and in many places the principal inhabitants absented themselves under

* Echard's Hist. of England.

frivolous pretences. Those who paid the accustomed marks of homage seemed as if they were drawn into his presence by constraint. The king endeavoured to gain popularity by conversing familiarly with all classes of his people, and caressed those whom he formerly considered, and with reason, as his enemies. Liberty of conscience was his favourite topic, and he adduced Holland as an instance of the blessings attendant on a universal toleration.

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On his return to the metropolis, he continued November. his overtures to the dissenters, and admitted them to all offices of profit and trust. He sent to the new lord mayor, who was a nonconformist, an intimation that the chief magistrate might use whatever form of worship he thought fit in the chapel of Guildhall; but James was surprised to find that the corporation of London took the tests, and that the lord mayor frequently attended church, where he behaved with decency at least, if not with devotion.

While the king made these hypocritical advances to the dissenters, the moderate churchmen were solicitous to promote a union, and to establish a cooperation among all protestants, as being the only way to effect their joint security. From time to time pamphlets were published, acknowledging that the separation between the churchmen and dissenters had continued too long, and dissuading the latter from placing any confidence in their new and pretended friends. A powerful appeal from the marquess of Halifax *, published

* A Letter to a Dissenter on occasion of his Majesty's late Declaration of Indulgence.

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with the approbation of the most eminent dignitaries of the church, was dispersed, and its tone of moderation and candour commanded universal respect and attention. He earnestly desired the nonconformists to consider the reasons why the proffered friendship of the Romanists should be regarded with distrust. "The church of Rome," he argued, "not only dislikes your liberty, but by its principles cannot allow it; nay it would be a habit of sin, which requires absolution. The other day you were sons of Belial, now, you are angels of light. Popery is now the friend of liberty, and the known enemy of persecution. We have been under shameful mistakes if this can be true or lasting." Twenty thousand copies of this seasonable address were dispersed throughout the city and country, and the arguments produced a correspondent effect. The more respectable portion of the nonconformists entered into no alliance with the Romanists; they silently accepted the proffered indulgence of the king.

The opposition which James had experienced from every description of his subjects, except that particular class for which he had already sacrificed so much, and for which he was still willing to hazard more, heightened his resentment, and excited him to the most desperate measures. He avowed that he must make all possible haste to convert the nation during his life, and that he had resolved either to succeed, or to die a martyr in the attempt. It was a heavy load on his conscience that the presumptive heir to the crown was a heretic, and the reflection not only gave an additional impulse to his zeal in establishing his

own faith in England, but it stimulated him to bring over his daughter, the princess of Orange, to his own religious sentiments. A protestant successor was still the hope of the protestant cause, and it was the terror of the papists.

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Actuated by these views, James undertook to convert the princess, or at least to obtain her agreement in the propriety of repealing the penal laws. He therefore addressed an elaborate epistle to her, reciting the grounds of his own conversion. The first thing he professed which raised scruples in his mind was, the great devotion which he had observed among catholics, and the helps which they had to excite it. He saw that they exceeded the protestants in acts of charity, even those who had retired from the world, and devoted themselves to a religious life. He could see nothing in those reigns which followed the grand schism, which could induce him to believe that it was the work of God. The history of those reigns he had carefully studied, and the Narrative of Heylyn, with the Preface of Hooker's Ecclesiastical Polity, had strengthened his conviction. He was assured that Christ had left an infallibility to his church, which infallibility the apostles acknowledged to reside in St. Peter. It was the authority of the church which decided the canon of Scripture, and certainly the church was the only scriptural interpreter. Wherever infallibility resided, there must indisputably be an apostolical succession: now the church of Rome alone pretended to this infallibility, and those who threw off her authority opened a door to atheism, to infidelity, and to scepticism. It

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was plain that the church of England did not pretend to infallibility, though she acted as if she did; for ever since she had separated from Rome, she had persecuted all who differed from her beyond any other church. Yet he could see no reason why others should not separate from her, since she had herself separated from the church of Rome. These were some of his arguments, and these, together with the papers of his brother, the late king, and of her mother, the duchess of York, might serve, if not to justify the catholic religion, yet at least to create a favourable opinion of it.

This epistle was answered by the princess with expressions not only of respect, but of affection. No difference in religion, she said, could hinder her from desiring both his blessing and his prayers, however far she might be distant from him. Yet she trusted that he would not construe it into a mark of disrespect, if she delivered her thoughts with freedom on the subject of his letter. She was far from adhering to a religion in which she had been educated merely from a point of honour; her adherence was on better grounds. Those who had instructed her in the protestant faith, had freely laid before her all which could be said in defence of the church of Rome, that she might be enabled to decide between both with impartiality. Though she had left her native country when young, yet she had not left either the desire of being well informed, or the means of acquiring information. She then distinctly examined the arguments which her father had adduced, and so ably answered them, that he could not forbear

from expressing his admiration and surprise at the progress which she had made in her religious inquiries.

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James did not confine his attempts at conversion to the princess Mary, he applied to the prince of Orange also, and employed Steward, a Scottish lawyer, to address pensionary Fagel on the subject. The pensionary for a long time treated the letters with neglect; but a report having been industriously propagated that the silence of the prince amounted to a tacit consent, they were laid before him. William commissioned Fagel to return such an answer as might leave his sentiments no longer a matter of doubt, and he was induced to take so decisive a step even on political considerations. He wished to establish an interest in some Roman catholic courts, which were inclined to unite with him in depressing the power of France, but who had been possessed by a notion that he intended the ruin and extirpation of all the catholics in Great Britain.

While such an impression existed, it was necessary to disclaim both for himself, and also for the princess, all persecuting or intolerant views. It was their opinion, that no Christian ought to be persecuted on account of conscience, or because he differs from the established religion, and therefore they agreed that the papists in Ireland and Scotland should have the same free exercise of their religion as they enjoyed in Holland. With respect to protestant dissenters, they heartily approved of their possessing an entire freedom from all molestation. This degree of toleration they not only approved, but were ready to give a

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pledge that they would protect and defend. If the king desired their concurrence in abrogating the penal laws, they were ready to give it, provided the laws were continued in force which excluded Roman catholics from sitting in either house of parliament, and from all offices, ecclesiastical, civil, and military. But they could not consent to the repeal of laws which tended to the security of the protestant faith. Of this nature were the tests, which imported nothing more than an exclusion from public employments, an exclusion which could not be a real injury to the papists themselves. If the numbers of the papists were so inconsiderable as to prevent any danger from the repeal of the tests, then it was not reasonable to make such a material change in the constitution for the sake of a few ; and if those few would do their party so much injury, as not to be contented with the repeal of these, unless they could enjoy places of trust and emolument, their ambition only was to be blamed *.

This letter, replete with sound argument and political sagacity, was carried by Steward to James, and was read in the cabinet council. Still reports were current that the prince and princess of Orange were not indisposed to cooperate with the king, and their admission in regard to the penal laws, gave corroboration to these reports. To suppress them entirely, and to justify himself to England and to Europe, the Prince commanded that the letter of Fagel should be printed. It was in consequence distributed in all parts of Great

* Welwood's Memoirs.

Britain, and was received with general satisfaction. The members of the church were confirmed in their opinion, that the tests should be still continued; and the catholic laity seemed to be so well contented with their continuance, that they complained of their own aspiring priests and ambitious courtiers, who, to gratify their private ambition and interest, brought on their religion public hatred. But the publication of this document highly incensed the king and the Jesuits, and their resentment broke forth in the most unguarded language. The anger of James was shewn even to the foreign ministers who resided at his court. The letter was at first styled a forgery, but its authenticity being fully established, it was spoken of with indignation.

Although the resentment of James was never appeased, yet his anxiety for the conversion of the prince and princess of Orange soon abated; for a proclamation in the Gazette announced that it had pleased Almighty God to grant the king apparent hopes and good assurance of having issue by his royal consort the queen*. The intelligence filled the protestants of England with dismay; but the conception was regarded by the Jesuits as miraculous, and as the return to a vow which the queen had made to our lady of Loretto. Public thanksgivings were commanded to be read in the churches, and a form to be used by the church of England was composed by the bishops of Durham, Rochester, and Peterborough.

On a question of such difficulty and delicacy as

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the legitimacy of the heir of the Stuart family, a question, which was once eagerly debated, but which has now lost its interest, it is needless to say much. Those who have examined the subject with the greatest care have still left it in uncertainty. On the side of those who contend in favour of the legitimacy, the weakest part of their cause is the mysterious manner in which the whole affair was conducted; for, if an imposture had been intended, it would have been managed exactly in the same manner. The flimsy excuse offered by the queen, that she owed no satisfaction to those who suspected her capable of an imposition, was the excuse which a person guilty of an imposture would naturally offer. On the other side, the weak part of the cause is, that those who dispute the legitimacy have been driven to take the alternative of two hypotheses; one, that the conception was supposititious, and nothing more than the last desperate effort of the papists to perpetuate their faith; the other, that there was an actual pregnancy and parturition, but that a female child, of which the queen was delivered, was exchanged for a male. One of these hypotheses must be, both may be false.

Whatever opinion may have been since entertained of the whole transaction, yet the reality of the conception could not at this time be reasonably questioned, even by the most decided enemies of the king; and its general credit induced his Jesuitical advisers to hasten the crisis when the infatuated king and all his second family, whether legitimate or spurious, were precluded from inheriting the crown of Great Britain. Petre, the royal

confessor, was ostensibly a privy counsellor, and actually the prime minister ; and the remark of a A. D.
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Spanish ambassador was verified in England, that the affairs of a nation governed by the king's confessor must tend to disgrace and ruin.

CHAPTER XV.

Declaration of the King ordered to be read in Churches throughout the Kingdom.—Petition to the Throne by the Bishops and Clergy.—Majority of the Clergy refuse to read the Dispensation.—The Archbishop of Canterbury and six suffragan Bishops cited before the Privy Council, and sent to the Tower.—And subsequently, when put on their trial for Libel, are acquitted.

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XV.

April 27.

A PRESUMPTION may be reasonably entertained, that the prospect of a popish successor, emboldened the king, instead of fulfilling his promise of calling a new parliament, to publish his second declaration for liberty of conscience. It was a republication of the first, with the addition of some preliminary and supplemental matter. This was expressed in a decided tone, and in terms highly favourable to the papists. He adulated the numerous addresses of congratulation presented in return for his former declaration by all classes of his subjects, as a proof that his policy was wise and benevolent. He expressed a confident persuasion that his next parliament would cooperate with him in establishing liberty of conscience, on such a firm foundation that all his people might be secured in the free exercise of their religion. Oaths and tests, he said, had been unhappily contrived by some governments, but could never be a support to any: they impeded the advancement of many deserving men to offices

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and employments which ought to be the rewards of diligence, fidelity, and merit. The liberal policy which he had adopted, must not only obtain the approbation of all good Christians, but of all who were concerned for the wealth and power of the nation, though it might be a prejudice to some neighbouring nations which were envious of the advantages enjoyed by England. Had James been equally indifferent to all forms of religion, the topics of his address would not have been injudiciously chosen ; they would have been popular from an infidel, but not from a bigot.

The declaration was published in the usual manner, and commanded to be read in the time of divine service in all the churches of England, under the penalty of a prosecution in the court of ecclesiastical commission*. For imposing this unwelcome office on the clergy, there was unfortunately a precedent of a too recent date, for Sancroft had himself proposed in council that the clergy should read in their churches a declaration of the late king, containing his reasons for dissolving the Oxford parliament. The primate was doubtless sensible of his misconduct in that instance, and was eager to atone for it. He had watched the late measures of the king with anxiety, but had found no opportunity of counteracting them. Access to the royal person had been forbidden, and two years had elapsed since he was within the verge of the court. Declining health had confined him to Lambeth, studious habits had indisposed him to business, and he had

* Gazette, No. 2374.

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incurred the unjust suspicion of talking against popery and acting for it. With a vigorous effort he roused himself from his habitual inactivity, and forgetful of the infirmities of age, shewed its prudence.

Few of the bishops were in London, and three of those, Cartwright, Watson, and Crew, with the addition of Sprat, had declined from the protestant cause. Sancroft speedily transmitted a friendly monition to his brethren in the distant dioceses, requiring their attendance on urgent business relating to the church. Several meetings had taken place among the clergy of the metropolis, in which the business was fully and dispassionately discussed. On the one hand it was argued, that if the clergy refused compliance, the king would no doubt execute his threat of prosecuting them, and it did not seem reasonable to venture so great a hazard on so trivial a point. To read the declaration did not imply an approbation of its substance; it was not their act, but the act of the king. Therefore it was proposed, that some public notification should be made, certifying that the publication of the declaration by the clergy was merely an act of obedience, not of assent. But on the other hand it was said, that the requisition was intended to render the clergy odious and contemptible to the whole nation. If their compliance were carried thus far, that of the nobility and gentry might be carried farther, and the church might, without a struggle, fall a sacrifice to the court. If they read the declaration, even with a reservation that they did not intend assent, then they would be bound to read every

document which the king might think it fit to promulge: they might be required hereafter to read declarations in favour of all the tenets of popery. For this reason it appeared necessary to fix a rule, that the publication of any document by the clergy during the time of divine service did import their consent. The point at this time in debate was not whether a toleration were lawful and expedient, but whether the dispensing power assumed by the king were founded on law. Such a power necessarily tended to the introduction of despotism, and, when exerted as it now was, to the introduction of the grossest religious errors. If the king pleased, paganism itself might be publicly professed. As to any danger which the clergy might incur by refusing compliance, it was evident that the king designed the ruin of the church, and to render her clergy the passive instruments of her subversion. It was therefore incumbent on them to prepare themselves for the hour of danger, and not to defer it by a pusillanimous conduct, which would draw on them the regret of their friends and the scorn of their enemies.

These reasons prevailed, and they resolved not to read the declaration. They saw the importance of unanimity, and that nothing would be more gratifying to their enemies than a diversity of opinion even as to the form of proceeding: If any considerable portion of the clergy could be induced to submit, then the king might still pretend a parental care for the church of England, and destroy one half of her members through the instrumentality of the other. But if all who

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were eminent in station, remarkable for loyalty, and conspicuous for talent, should unhesitatingly refuse, then a few contemptible individuals, who might basely yield, would add credit and strength to the conduct of the enlightened majority. The court depended on the compliance of this majority, that a stronger pretext might be found for prosecuting the refractory.

The few treacherous prelates who were in league with the court, and were engaged in betraying the church, had persuaded themselves that such would be the event, and they had succeeded in possessing the king with a similar expectation. But the correspondence between the sound part of the clergy was managed with such secrecy, that the court had no reason to apprehend that their conduct was the effect of concert and agreement. Cartwright and Watson sometimes obtruded themselves at Lambeth; but while they were present, all confidential intercourse between the faithful prelates was suspended*.

May 18.

After many deliberations, a petition was formed at Lambeth, by the archbishop of Canterbury, and six suffragan bishops, St. Asaph, Ely, Chichester, Bath and Wells, Peterborough, and Bristol. It was signed by these prelates in the presence, and with the consent of Tillotson dean of Canterbury, Stillingfleet dean of St. Paul's, Patrick dean of Peterborough, Tennison vicar of St. Martin's, Grove rector of St. Andrew's, and Sherlock master of the Temple. In the evening of the same day all the subscribers, except the

* Diary of Henry earl of Clarendon.

archbishop, went to Whitehall for the purpose of delivering it to the king. The bishop of St. Asaph, in the name of his brethren, first applied to the earl of Middleton, secretary of state, but that nobleman was confined to his chamber by sickness. The president of the council, Sunderland, was next waited on by the same bishop, with a request that they might be allowed to present a petition to the king, and at the same time offered it to Sunderland for his perusal. Sunderland refused to read it, but acquainted the king with their desire, and the six bishops were introduced into the royal closet. The bishop of St. Asaph on his knees, as the rest were, delivered the petition.

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The king received the petitioners and the petition graciously, but having read it he was startled. Surprise soon gave way to anger. "I have heard of this before," he said, "but did not believe it; I did not expect this from the church of England, at least from some of you. If I change my mind, you shall hear from me; if not, I expect that my commands shall be obeyed."

The petition which occasioned this perturbation in James was respectful yet decisive. They assured the king that their averseness from reading his declaration proceeded neither from a want of duty towards himself, nor yet from a want of due tenderness towards the dissenters. Towards these they were willing to come to such a temper as might be determined by a parliament and a convocation. But their reluctance proceeded from this, among other considerations, that the declaration was founded on a dispensing power, which had

CHAP. often been declared illegal in parliament, and also
 XV. it was a matter of such moment and consequence both to the church and state, that they could not in prudence, honour, or conscience, make themselves parties to the distribution of it throughout the nation.

With due humility the bishops defended the matter of the petition, and with solemn asseverations vindicated themselves from the charge of rebellion. The king was not to be appeased, and he dismissed them by saying that he was their king, and they should be made to feel what it was to disobey him. The bishops who brought the address said, "The will of God be done." They returned from the king's presence with serenity, rejoicing that they had now gone too far to retract.

Though only six prelates attended the summons of the archbishop in person, yet eighteen other bishops either sent their direct approbation of the petition *, or testified it by declining to distribute the declaration among their clergy. Of the eight remaining dioceses York and Oxford were vacant, and six bishops carried their obsequiousness so far as to read the declaration. Cartwright went beyond this, for he promoted an address from his clergy in the most fulsome language, thanking the king for his promise to main-

* On two copies of the petition, one of which is in the archbishop's own hand, are the following inscriptions:

"Approbo. H. London, May 23, 1688; May 23, W. Norwich; May 21, 88, R. Gloucester; May 26, Seth Sarum; P. Winchester; T. Exon, May 29."

Gutch's Collectanea Curiosa.

tain the church of England. Two of these assenting prelates who permitted the declaration to be read, though without giving a full approbation to it, deserve to be distinguished from their less scrupulous brethren.

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The first of these was Barlow, bishop of Lincoln, whom nature and industry combined to make a scholar, and who, by following the bent of nature, was perhaps as complete a master of the learned languages as any man of his age*. In doctrine he was a Calvinist, and, like many other Calvinists, his opposition to the church of Rome was decided and warm, when there was no danger to be apprehended. But as soon as James ascended the throne, and the peril became imminent, he seemed to relax in his hostility. In former days he had argued against Gunning in the house of lords, that the church of Rome was idolatrous, and he was then a strenuous defender of the test. But now he seemed to think that the church of Rome, so far from being idolatrous, was innocuous, and that the tests might be safely repealed. Not only did he offer an address of thanks to the king for the declaration, but he is said to have written reasons for permitting it to be read in his diocese. But his laxity of principle, unlike many tergiversators, was unaccompanied by violence towards such as were more stubborn than himself. To one of his clergy who

* The earl of Anglesea in his *Memoirs* says, I never think of this bishop, and his incomparable knowledge both in theology and ecclesiastical law, without applying to him in my thoughts the character which Cicero gives of Crassus: "Non unus e multis, sed unus inter omnes prope singularis."

CHAP. consulted him on the propriety of compliance, he
 XV. candidly answered, that it must be left to the prudence and conscience of the individual*. His great talent was casuistry, a talent which not only reconciles seeming contradictions, but digests such as are palpable.

The other prelate was Sprat, whose character is sufficiently developed. He permitted the declaration to be read at Westminster abbey, where he was dean, but farther than this he would not go. When he found that the authority of the ecclesiastical commissioners was to be exercised against those of the clergy who refused obedience, he wrote to his colleagues a formal profession of his unwillingness to retain the office, and withdrew himself from all farther responsibility and participation in their future proceedings. So strongly were his colleagues affected by the solemnity of his expressions, that they adjourned for six months, and before that period the king dissolved the court.

Animated by the example which the seven bishops had exhibited, the greater part of the clergy refused to read the declaration. Not more than seven in the city of London obeyed†, and not above two hundred throughout England. Of this small number some read it on the first Sunday appointed, but omitted to read it on the second: others declared in their sermons that though they obeyed the order, yet they did not approve the

* Grey's Examination of Neal, vol. iv.

† "Neither Stillingfleet nor Tillotson were at their churches, but as I am told went yesterday to their country houses. So otherwise are some sort of men. May 20, Sunday." Earl of Clarendon's Diary.

document ; and one, more pleasantly than gravely, informed his congregation that if he were obliged to read, they were not obliged to hear it, and he waited their departure before he commenced. Without this friendly intimation, the people in many places testified their disapprobation by leaving the church.

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The king perhaps waited this issue before he decided in what manner he should deal with the petitioning prelates. Different methods of severity were spoken of, but for some days the matter remained in suspense. At length the archbishop received a summons to attend the privy council on a day therein specified, to answer to such matters of misdemeanour as might be objected against him. The six bishops were served with a like notice.

May 27,
June 8.

It seems that as the bishops were going to the council, they were advised to remember, that no man is obliged to accuse himself, and that they were not bound to acknowledge the petition, unless they received an assurance that no advantage should be taken of their acknowledgment. On the appointed day the king came to the council, and the bishops were introduced. The lord chancellor taking a paper from the table, and shewing it to the archbishop, asked, if it were written and signed by himself and by the other prelates whose names were there subscribed? The archbishop received the paper from the lord chancellor, and addressing himself to the king, said ; “ Sir, I am called here as a criminal, which I never was before in my life, and little thought I ever should be, especially before your majesty. But since it is my

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unhappiness to be so at this time, I hope you will not be offended that I am cautious of answering questions. No man is obliged to answer questions that may tend to the accusing himself." The king called this chicanery, but the archbishop insisted that there could be no other end of the question but to draw such an answer from him as might afford ground for an accusation. The bishop of St. Asaph said, "In all Christian churches, the divines agree in this, that no man in our circumstances is obliged to answer such a question." The king pressing for an answer with some impatience, the archbishop said; "Sir, though we are not obliged to answer this question, yet if you lay your commands upon us, we shall answer it, trusting in your generosity and justice that we shall not suffer for our obedience." The king replied, "No, I will not command you;" but the lord chancellor here interposed and said, "Withdraw."

It is certain that there was a great diversity of opinion, whether the affair should not be terminated. The king continued in suspense many days after the presentation of the petition, and many consultations took place between himself and men of different persuasions*. The more

* "It was a comical sight, to see Mr. Lob the presbyterian, (independent, I think it should be,) and father Peter the Jesuit, caballing and contriving together, as great *intimados* as if they had been of the same society: to see Penn the quaker, and Brent, Alsop, Nevil, and Payne, settling and securing liberty of conscience; and father Warner as obliging to them as can be. But whatever professions of love and sincerity were made to the nonconformists by the Jesuits, the king's confessor looked on all the dissenters together as the

moderate of the Roman catholic nobility had advised that the affair should be passed over in silence; and at this stage of the business a fair opportunity presented itself of finishing it, by casting a slur on the bishops, and pretending that they denied their own handwriting. But those violent councils, which urged the king to chastise the stubborn boldness of the protestant champions, were too accordant with his own temper.

The bishops were called in a second time; then the lord chancellor said, "His majesty has required me to demand an answer to this question; Are these your hands which are set to this petition?" The king also himself said; "I command you to answer this question." Then the archbishop took the petition, and, having read it over, said, "I own this petition, and that this is my hand." The chancellor asked the same question of the other bishops, and they all acknowledged their hands, and that they delivered the petition.

A second time they were commanded to withdraw, and on their third appearance, the chancellor said; "It is the king's pleasure to have you proceeded against for this petition, but it shall be with all fairness in Westminster-hall. There will be an information against you, which you are to answer, and in order to that, you are to enter into a recognisance." To this demand the archbishop replied; "Without a recognisance we shall be ready to appear, and answer, whenever we are worst and vilest of men." Dr. Gee, from Kennet's Comp. Hist. vol. iii. p. 510.

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called." One of the bishops said, "Lord Lovelace had been called before the council to answer a complaint, and he was allowed to answer it in Westminster-hall without entering into any recognisance: we hope to be allowed to answer in like manner." The chancellor said, that this deviation was a matter of favour to the bishops, and the king added, "I intend this as a favour to you, and I would not have you refuse it." The bishop of St. Asaph said; "Whatever favour your majesty vouchsafes to offer to any person, you are pleased to leave it to him whether or not he will accept it; and you do not expect that he should accept it to his own prejudice. We conceive that to enter into these recognisances would be prejudicial to us, and therefore we hope that you will not be offended with us for declining to do so." The bishops also insisted that there ought to be some special matter against them on oath to justify their entering into recognisances, not considering that their own acknowledgment of the petition was equivalent to a special allegation on oath. With more effect they insisted, that there was no precedent that any member of the house of peers should be bound in recognisance of misdemeanour. The lord chancellor said that there were precedents; but being challenged to produce one, he was silent. The bishops desired to be proceeded against in the common way; but that was not allowed; and a third time they were commanded to withdraw.

Being called in a fourth time, they were asked whether they had considered the matter better, and whether they would accept the king's favour? The archbishop answered; "We have had the ad-

vice of the best counsel, and they have warned us not to enter into recognisances, and therefore we desire that they may not be required of us; we are ready to appear to answer to any charge, whenever we are called." The king appeared to be displeased, saying; "You will believe others before you will believe me."

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They were commanded to withdraw a fourth time, and the earl of Berkeley came from the council room to the bishops, and endeavoured to persuade the archbishop to a compliance, but finding him unmoveable, he tried his persuasions on the other bishops. Finding them all agreed, he left them, and they were called into the council chamber for the last time. The king had vanished, Jefferies was in the chair, and a warrant of commitment, signed by fourteen privy counsellors, was made out. They were ordered to be sent to the Tower.

To prevent any tumult, it was resolved to send the bishops to the Tower by water; but as the barges which conveyed them passed, the banks of the river were crowded with the people, who on bended knees implored their blessing, and with loud shouts expressed both a solicitude for their preservation, and applause for their courage. The bishops presented an aspect of serene cheerfulness unmingled with exaltation; they exhorted the multitudes to a peaceable and loyal deportment; and as to themselves, they had a confidence in the purity of their intentions and the justice of their cause.

When they were in custody, they were visited by all ranks, and by men of almost all religious persuasions. Ten nonconformist ministers visited

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them, offering the thanks and sympathy of all true protestants, for the Christian heroism which they had displayed. When these nonconformists were reprimanded by the king for their conduct, their reply was, that they could not but adhere to the bishops as men constant and firm in the protestant faith. The lieutenant of the Tower was sir Edward Hales, a papist, but the officers and soldiers on guard drank the health of the bishops, to his no small mortification ; and when an order was sent to the captain of the guard, that the practice should be discontinued, the still more mortifying reply was given, that while the bishops were in custody the soldiers would drink no other health.

The bishop of London, being under suspension, could not share in the honour which his brethren had so justly gained ; but they had the benefit of his advice and activity. It was by his suggestion, that if the king should be so badly advised as to persevere, and they should be brought into Westminster-hall to plead to an information, their friends among the nobility should be solicited to offer themselves as bail. Fatally for himself, the king listened to his advisers, and did persevere, though the birth of a prince and heir, while the bishops were under confinement, presented a favourable occasion for granting their liberation and pardon, with honour to himself, and with the highest gratification to the whole nation. But he had entertained a prepossession against the yielding temper which had proved so dangerous to his brother and fatal to his father ; and he was determined to avoid their errors, though his own might be as great.

June 10.

On the first day of term, the attorney general moved for a writ commanding the lieutenant of the Tower to bring the archbishop and the six bishops to the court of king's bench, in order to plead to an information for a seditious libel, published by them against the king and his government. The writ was immediately obeyed, and the passage of the bishops from the Tower to Westminster-hall was marked by circumstances of peculiar interest. Greater demonstrations of respect and gratitude were displayed by the people now than on their committal. They were accompanied by thirty of the nobility, and each of the bishops was provided with three of these noble sureties to answer as his bail.

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The bishops being placed at the bar, their counsel offered to shew that the commitment was originally illegal; and it was not without a long altercation that, before the information was read, they could be allowed to state the reasons of its illegality. They argued, that there were two objections: first, that the persons commissioned had not power to commit; secondly, that the bishops ought not to have been imprisoned on account of the fact for which they were committed. On the first objection the court appears to have formed an opinion in favour of the validity of the commitment; on the second, although one of the judges pressed for time, yet it seemed to consider the misdemeanour alleged such as warranted a commitment.

The information having been read, the attorney general moved that the bishops might be called on to plead to it, but the counsel for the bishops

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interposed, and begged an imparlance till the next term. They knew nothing of the information till it was read in court, the commitment being only generally for a libel. Though one of the judges thought the demand of the defendants reasonable, yet the practice of the court was not in their favour, and the court decided that they should plead immediately.

The defendants being required to plead, the archbishop of Canterbury tendered the plea of himself and of the other bishops. It pleaded the privilege of the bishops as peers and lords of parliament, and that as such they were not compelled to answer instantly for the misdemeanour, and that time might be given to imparl. As the question had already been argued, and decided against the defendants, the plea was rejected. The defendants having then pleaded "Not guilty," the attorney general prayed that issue might be joined on the behalf of the king, the day of trial was fixed, and the bishops were bailed, with the consent of the king's counsel, on their own recognisances.

When the bishops returned from the hall, the acclamations were redoubled. The streets resounded with shouts during the whole day, and were illuminated at night. It was the general opinion that the event of the approaching trial would determine the fate of the constitution and the liberties of England.

The interval between the day of pleading and the day of trial was employed by the counsel on both sides in preparation. The judges of the court of king's bench at this time were men sup-

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posed to be the fast friends of the prerogative, and of that part of it which had been lately so much contested, the dispensing power. Herbert, at his own request, had been lately removed from the king's bench into the common pleas, and sir Robert Wright succeeded him in the important post of lord chief justice of England. His elocution was fluent, his manners not unprepossessing, but his knowledge of law was small, and his moral character was debased by profligacy and prodigality. In one of the other judges, Allybone, Wright had a coadjutor well suited to him, for Allybone was a tool of the court, of more legal knowledge than the chief justice, but of less suavity. Holloway and Powell, the remaining judges, will be best estimated by their conduct on the trial.

Such was the court before which the bishops were to be tried; the two principal crown lawyers, the attorney and solicitor general, were Powis and Williams. Powis managed the part which he had to perform with fairness, and with as much civility towards the defendants as he dared to assume. Williams, who had been appointed solicitor general immediately before the trial, was an instrument exactly fitted to serve an arbitrary and a bigoted prince. He had been a barrister of the Temple, and also a member of parliament, but, being a high Roman catholic, had been expelled the house.

The counsel for the bishops equalled in number their venerable clients, and they comprised the established reputation and the rising talent of the bar. They had for their leader Pemberton, who

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had been formerly chief justice, and who was said in that capacity to have made, rather than declared law. But he was a better practitioner than a judge, and his experience rendered him a safe guide in the precedents and practice of the court. Next was sir Creswell Leving, who had once been a justice of the court of common pleas, and the third was sir Robert Sawyer, the late attorney general. Sawyer was one of the most able of his contemporaries, formed in the school of sir Matthew Hale, under whom he practised, and whom he took as his model. Like his master, he was a man of general learning, and, like him, possessed a courageous integrity, which no allurement could corrupt, and no danger could intimidate. He had been appointed attorney general in the conclusion of the last reign, and had continued in his office till the preceding year of the present, when he was displaced, because he would not acknowledge the dispensing power, and because he would not consent to mould the laws according to the will of James. His stern and uncompromising deportment* was strikingly contrasted with the gentleness of Pemberton. Pollexfen and Treby fill a conspicuous niche among the lawyers of these times. Finch, descended from a family well known in the juridical history of England, had been removed from office, like Sawyer, by James, to make way for Powis, "who was willing and ready to do what the other refused †." Last came Sumners, whose youth was thought by some an ob-

* He was censured for his harsh treatment of lord Russel; Pemberton treated that nobleman with great gentleness.

† Reresby's Memoirs.

jection to his present appointment, but he was recommended by the sage Pollexfen, notwithstanding, or rather on account of his youth. This was his entrance on his splendid professional career, and on this occasion he gave an earnest of his future greatness, both as a lawyer and a statesman. The few observations which he had the opportunity of submitting to the court as a junior counsel, were heard with marked deference*.

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When the day came, on which this momentous June 29. trial was to take place, the multitudes assembled in Westminster-hall and its avenues exceeded all remembrance and expectation. The bishops on their passage were again greeted with the warmest demonstrations of respect. The preliminaries being finished, and the proceedings briefly opened by Wright, one of the counsel for the crown, the attorney general followed at large, who stated the case without aggravation; and having performed this task, he interposed but rarely throughout the remainder of the trial. The active part of the management for the crown was undertaken by the solicitor general; and he neglected to avail himself of an advantage which he possessed over Pemberton and Finch, by reflecting on their own proceedings while they were the legal advisers of the king, and by quoting their precedents against themselves.

Two points were to be made out, in order to convict the bishops of the offence charged against them; first, it was necessary to prove, that the

* Granger says, he displayed on this trial an eloquence worthy of Athens or Rome. No specimens of this eloquence are recorded in the account of the trial.

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petition, on which the information was founded, was really written, presented, and published by the defendants; secondly, that the petition itself was a libel.

The proofs of the handwriting of the bishops were defective, and were entirely insufficient without having recourse to the confession which had been extorted from them at the council board, a mode of proof highly dishonourable, since it implied, as some affirm, a violation of the king's promise, and, as all acknowledged, an abuse of the confidence which the bishops reposed on his generosity and justice. The presentation of the petition by the bishops was proved by Sunderland, but he could not prove that it was the identical petition on which the information was laid, because he refused to read it. The publication of the petition in the county of Middlesex, as charged in the information, could not be established, which of itself was a fatal error; and the publication of it in any country could not be proved, though that point alone implied any culpability in the defendants. The petition before the court was in the handwriting of the archbishop, and the draught of the petition he had retained in his own possession. The publication, if there were any, must have been made by those persons to whom the king had shewed the original. In fact the petition had been printed by the king's authority, with a satirical paraphrase, stating that though the bishops had formerly exercised many cruelties on the dissenters, they now promised to conciliate; and though they had originally endeavoured to advance the prerogative above all law, when it

was turned against the dissenters, yet they now opposed the dispensing power, when used with a benevolent intention, and for the general good.

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The second point, whether the petition was a libel, was argued very elaborately and at great length. It was contended in favour of the bishops, that, having received an order, to which they found it impossible to render a conscientious obedience as bishops and as subjects, they humbly submitted to the king their reasons for noncompliance. All subjects, it was said, had a right to petition the king; bishops, as members of the great council of the nation, had a more than ordinary right; and as pastors of a church over which the king was the supreme head, their right was of a sacred and inviolable nature. The petition did not meddle with any matter of state, but referred to an ecclesiastical matter to be executed by the clergy; so that the bishops did not concern themselves with affairs which did not belong to them, but with a matter which was confessedly within their sphere and jurisdiction. The reasons assigned by the bishops for not complying with the king's command were two; first, because a power to dispense with the laws had been declared illegal by parliament; secondly, because the thing required was of great moment, and would involve serious consequences.

As the information charged the defendants with diminishing the king's prerogative and regal power, it was necessary to shew, on behalf of the bishops, that the dispensing power was not a branch of the prerogative. The lord chief justice was inclined to stop the counsel for the bishops at the commencement of their argument against this power,

CHAP. but Powell declared that they ought to be permitted
XV. to argue it.

The question was argued conclusively by Sawyer first, and then by the junior counsel. It was laid down as the basis of the English constitution, that the whole legislative power is in the king, lords, and commons. A power to abrogate laws, is as much a part of the legislature, as a power to make laws; and a power to lay laws asleep, and to suspend laws, is equal to a power of abrogating them. To abrogate at once, or to abrogate from time to time, is the same thing, and both are equally parts of the legislature. These arguments against the dispensing power were feebly repelled by the king's counsel. They contended that the votes of one or both houses of parliament were not laws till ratified by the king's consent; and therefore inferred that the king alone might suspend them by withdrawing that assent. They dwelt much on the sacred nature of kingly power. With respect to the matter of the petition, they argued that a paper might be true in fact, and yet be libellous: they also contended that the bishops had no right to petition except in parliament. A question being asked of the solicitor general, how the bishops should have acted in the present case, since the parliament was not sitting, and there was not a prospect of its assembling speedily, he rashly answered, "They should have acquiesced." The answer was heard with loud marks of disapprobation from the assembled multitude.

More than ten hours were consumed in the pleadings, and in summing up the evidence. The chief justice, to whom alone belonged the duty of

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summing up, was favourable to the bishops on the first point, that of the presentation and publication of the petition, for on both he thought the evidence defective. On the second point the chief justice, in conjunction with Allynbone, thought that the petition was libellous. Holloway said, that to constitute a libel, there must be an evil intention, which could not be imputed to these defendants. "I cannot," he concluded, "think it is a libel." Powell spoke more largely. It was necessary to consider what there was in the petition seditious. The defendants said that the declaration which they were commanded to publish was illegal, and its illegality consisted in claiming a dispensing power for the crown. If there be no such dispensing power in the king, then the declaration is illegal. "I can see no difference," he observed, "between the king's power to dispense with ecclesiastical laws, and his power to dispense with any other laws whatsoever. If this be once allowed, there will be no need of parliament, all the legislature will be in the king; which is a thing worth considering: and," addressing himself to the jury, "I leave the issue to God and your own consciences."

The jury retired in the early part of the evening, and remained in deliberation during the whole night. When they were come to an agreement, it was thought the more solemn and the more safe way, not to give a private verdict, but to remain in the room where they were confined till the court sat. The morning came, and James still encouraged a hope that the bishops would be found guilty. Before the verdict was known, he

CHAP. went to the camp at Hounslow, for the mutinous
XV. temper of the army required his presence.

As soon as the court sat, and the bishops appeared, the verdict of acquittal was pronounced by sir Roger Langley, the foreman of the jury. The joyful acclamation of "Not guilty!" first resounded through the court in defiance of the solicitor general. It then reverberated through the avenues of Westminster-hall, and so loud were the shouts, that they seemed to be reechoed from the city. With great celerity the intelligence reached the camp at Hounslow; and though the feelings of the army were somewhat restrained by the presence of the king, yet he was no sooner gone out of the camp, than a triumphant burst of joy invaded his ears. On inquiring the cause of so unusual a demonstration of satisfaction in a military body, he was answered, it was for nothing else than the acquittal of the bishops. "Call you that nothing?" he replied; "but it shall be so much the worse for them." No repulse seemed to affect the king more than this, and throughout the whole day the perturbation of his mind was visible in his countenance and gestures.

The bishops were congratulated on their escape in the warmest terms of admiration at their fortitude and their humility. They were ranked among the primitive confessors; they were compared to the seven golden candlesticks, and to the seven stars in Christ's right hand. They were hailed as the guardians of the laws, liberties, and religion of their country.

Two remarkable circumstances have been no-

ticed with respect to this trial. The first, that the king saw the illegality of his assumed prerogative exposed in one of the most solemn causes, by some of the greatest lawyers, and before one of the largest auditories ever assembled. The second, that they who had contributed to enslave their country by false notions of law, now changed their opinion; and others, who through two successive parliaments had stood up for the liberties of their country at the expense of their own sufferings, now endeavoured to stretch the prerogative beyond its just limits, as they had before opposed it. So hard is it for mankind to be at all times consistent*.

A. D.
1688.

Not softened by his ignominious defeat, but fatally impelled to his ruin, James pursued those violent measures which had already overwhelmed him with mortification. The two judges, whose uprightness merited the thanks of the sovereign of a free people, were dismissed; and he resolved to prosecute the bishops before the court of ecclesiastical commission. But the commissioners had more wisdom than the king; they knew that the result of the late trial would embolden the bishops to deny the legality of the court. They however performed one act; for they trusted that the diocesan chancellors and the parochial clergy might be induced to submit. Citations were therefore issued, requiring the chancellors and archdeacons to transmit a list of all the clergy within their respective jurisdictions, distinguishing those who had obeyed and those who had not obeyed the order of council. But the inferior ecclesiastical

* Welwood's Memoirs.

CHAP.
XV.

dignitaries participated in the sentiments of the bishops. Some plainly refused to obey the order, and others excused themselves in milder terms. This was the expiring act of the ecclesiastical commission, for it was at this time that the bishop of Rochester withdrew himself, protesting that he would rather suffer with his brethren than concur in making them suffer.

CHAPTER XVI.

Advice of the Bishops to the Clergy.—Invitation to the Prince of Orange.—He has recourse to the Bishops.—Declaration of the Prince privately circulated in England.—His Arrival at Torbay.—Conference between the Royal Commissioners and the Deputies of the Prince.

WHILE the king was untaught by his recent mortifications, the bishops manifested no indecent exultation at the victory which they had so nobly achieved. They took no advantage of their popularity to annoy or insult him who was still their sovereign and the supreme head of the church; and although he had alienated their affection, yet they cheerfully rendered to him the tribute of duty. Not long after their acquittal, a document A. D.
1688. July 15. was framed by the bishops assembled at Lambeth, containing directions for the clergy at this perilous crisis. One of the articles displays a rational loyalty towards the king, and a manly conciliation towards the dissenters. The clergy were enjoined to teach, that the king's power being within his dominions the highest under God, the people were bound to shew obedience in all things lawful, and patient submission in others, promoting as far as possible the general peace and quiet of the world. They were not less strictly enjoined to walk in wisdom towards those who were not of their communion, cultivating a good correspondence with them, and labouring to impress on their

CHAP.
XVI.

minds, that the bishops of the English church were the sincere and irreconcilable enemies of the errors, superstitions, and idolatries of the church of Rome. This was the language of the church, not, as it has been untruly said, in the hour of distress, but in the hour of triumph, when in reality she was most secure; for never was a time when she possessed so large a share of public confidence and popular affection. Those who were once her most inveterate enemies, the Scottish presbyterians*, returned their thanks and gratitude, and were constrained to acknowledge that the church of England was the most impregnable barrier against popery.

Towards the church the spirit of the king was not meliorated; it had been vindictive, and, defeated in its revenge, it was still spiteful. He still injured it in the way which was still open to him, by his abuse of ecclesiastical patronage. The see of Oxford having been for some months vacant by the death of Parker, he promoted one Hall, a man too obscure to be infamous, and whose merit consisted in being one among the seven London clergy who read the declaration. The advancement of such a man could be intended only as an insult to the university of Oxford, and a contempt of the church of England†. Sancroft is not to be blamed for yielding to the royal mandate, for he had already escaped with difficulty for petitioning the king in a matter which was manifestly illegal.

Conser.
Oct. 7.

Great were the grievances of the church, but

* Letter from sir Geo. Mackenzie to archbishop Sancroft.

† Kennet, Comp. Hist. V. 3. Godwin de Præsulibus.

A. D.
1688.

her resentments were light in comparison with those felt by the other classes of the nation. The trial and acquittal of the bishops had inspired men of different political and religious opinions with a determination to resist. The whigs, according to their old principles, which had led them to attempt the exclusion of James, readily agreed to depose him; since he had made it evident that he intended to subvert the constitution of his country. The tories, finding their past services forgotten, and themselves charged with cruelty and rebellion, agreed so far with the whigs as to pronounce James incapable of government, being under the guidance of "some unhappy principles opposite to the religion and interest of his people*." The nonconformists, dreading popery as destructive of every thing which they held dear and sacred, were glad to throw off the yoke of a prince whose temporary indulgence towards them could not disguise his real designs.

Holland had long been the refuge of such as had left England on account of the oppression of the government, or their own factious temper. It was the resort of English republicans and sectarians. Burnet, whose attachment to episcopacy was cold, had been for some time a resident at the Hague, and had ingratiated himself into the confidence of the prince and princess of Orange. Ferguson, a creature of Shaftesbury, but whose pen was prostituted for different parties, was retained in their service, though not admitted to their confidence†.

* Archbishop Sancroft.

† See Athen. Oxon. 2 Coll. p. 743.

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The perilous state of England induced many others whose character was untainted, and whose loyalty had been ardent, to form a union with some of these malecontents and refugees. The prince of Orange appeared to a large portion of the people of England as a proper assertor of their rights and liberties. Supposing the infant prince to be legitimate, still the princess Mary was very near in the line of succession. And it was argued by the friends of hereditary monarchy, that whoever has the contingent reversion of an estate, has a right to hinder the possessor from injuring or destroying it.

Admiral Russel is said to be the first* who came to the Hague, under the pretence of visiting a relative, but for the real purpose of laying before the prince of Orange the lamentable state of the nation. He had been commissioned by many persons of great power and influence to invite the prince to undertake an expedition. The prince received the overture favourably, and little persuasion was necessary to prevail with the states to assist the English protestants. A difficulty, however, of an almost insurmountable nature presented itself in conducting the preparations for such an undertaking with the requisite secrecy. But the states made use of the disturbances concerning the election of an archbishop of Cologne, as a pretext for raising an army to defend their own borders; and the prince, in whom was vested the government of the states, under the same pretext prepared himself for his intended expedition to England.

* Burnet, Hist. of his Own Times, vol. ii. book 4.

A. D.
1688.

These extraordinary movements, and their real design, did not escape the vigilance of the French ambassador, and he gave timely notice of the armament to his master. The autocrat of France, and the arbiter of Europe, gave an immediate intimation to James of the danger which awaited him. At first he treated the communication with neglect; but Louis, to shew that it was no groundless alarm, and to evince his own friendly disposition, offered to send a military force, for the protection of the king of England. This offer, through the advice of Sunderland, was rejected; for the minister represented that the discontent of the protestants of England would be inflamed by the introduction of French papists into the country. Yet this discontent was equally inflamed by the introduction at this time of several regiments of Irish papists, for there was a general apprehension of a second Irish massacre.

The other ministers of the crown, more honest than Sunderland, advised the king to place no confidence in a military force, but to endeavour to regain the affection of his subjects; and in compliance with their advice, he issued a proclamation Sept. 23. for calling a new parliament*. In this manifesto he avowed his purpose of establishing a legal toleration, which should be as comprehensive as possible, but of preserving inviolably to the church of England the several acts for her security, as far as might be consistent with such a toleration. To give a farther security to his protestant subjects, he was contented that the Roman catholics

CHAP. should continue incapable of sitting in the house
XVI. of commons, that the legislature might still continue in the hands of protestants.

Sept. 25. Two days after the date of the proclamation, the king was fully assured, by dispatches from the marquess of Albemarle at the Hague *, that the projected invasion of England had been openly acknowledged by the pensionary Fagel. At this intelligence, the king for a time turned pale, and was speechless. With distracted eyes he looked around him for assistance, or at least for consolation; but he was incapable of forming any settled resolution. At last he determined to postpone the meeting of parliament, and to apply in the hour of distress to those bishops whom he had pursued with vindictive tyranny. He sent for the archbishop of Canterbury, and the other bishops who remained in London, for he thought that his first step must be a reconciliation with the church of England.

Oct. 3. The archbishop, attended by a few other bishops, waited on the king, on a day which had been previously fixed, and read an address, which he afterwards presented. The advice offered by the bishops was comprehended under ten articles; that the government of the several counties should be placed in the hands of protestants; that the ecclesiastical commission should be annulled; that no unqualified person should be promoted to an ecclesiastical office, and particularly that the president and fellows of Magdalen college in Oxford should be restored; that all licenses to popish

* Gazette, No. 2386.

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1688.

schoolmasters should be revoked; that the dispensing power claimed by the king should be argued and settled in parliament; that the popish vicars apostolical should be inhibited; that the vacant bishoprics and other ecclesiastical promotions, particularly the see of York, should be properly filled; that the ancient charters of corporations should be restored; that writs should be issued with all convenient speed for calling "a free and regular parliament, in which the church of England might be secured according to the acts of uniformity, provision might be made for a due liberty of conscience;" and "a mutual confidence and good understanding" might be established between the king and his people. The tenth article ought not in justice to be abridged, but given as it stands in the address: "Above all, that your majesty will be graciously pleased to permit your bishops to offer you such motives and arguments as, we trust, may by God's grace be effectual to persuade your majesty to return to the church of England, into whose most catholic faith you were baptized, and in which you were educated, and to which it is our daily earnest prayer to God that you may be united*."

These counsels, salutary as they were, and conveyed in language the most respectful, if they had been offered at another time, would have excited the indignation of James; but his impending danger obliged him to return his thanks to the bishops, and to promise that he would follow their

* Signed W. Cant. H. London, P. Winchester, W. Asaph, Fran. Ely, Jo. Cicestr., Thos. Rossen., Thos. Bath and Wells, T. Peterborough.

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advice. A reluctant and imperfect retractation of his illegal and oppressive acts was begun. The suspension of the bishop of London was taken off, and the court of ecclesiastical commission was dissolved; the charter of the city of London was restored by Jefferies himself, accompanied by expressions of the most abject servility; and the bishop of Winchester was ordered to settle Magdalen college properly and statutably. The advice of immediately calling a parliament was neglected.

Dated
Oct. 10.

Before the prince of Orange embarked on his expedition, prudence dictated that his reasons for so extraordinary a step should be set forth in a public declaration. A great many draughts of a suitable manifesto had been sent from England, but as among so great a number it was difficult to make a selection, they were all delivered to the pensionary Fagel for his critical inspection; and with their aid he finished a composition, which was not unaptly described by the bishops, as "more like a lawyer's brief than a princely declaration." Burnet prevailed with the pensionary to abridge it, but did not venture to suggest any alterations. If he had done so, he might not have improved it, for the spleen of the Scottish divine would have been equally "unprincely" with the phlegm of the Dutch jurist.

The declaration of William, though not framed so as to excite patriotic ardour, was not calculated to inflame monarchical prejudices. It contained a long recital of the late violations of the laws of England, in regard to religion, the executive government, and the administration of justice; and

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it set forth the remedies which had been ineffectually proposed for the correction of these abuses. Petitions from the greatest personages, offered in the most submissive and private manner, had been treated not only with neglect, but visited with punishment. Endeavours had been made to choose a parliament by corrupt methods, to pre-engage and bias both the votes of the electors, and also of the members returned. Even the writs were now directed to unlawful officers, who were legally disabled from executing them, so that no regular and lawful parliament could be assembled. In conclusion, the reasons for suspecting the queen's pretended delivery were set forth in general terms, and the strong presumptions against the legitimacy of the prince of Wales. Upon these grounds the prince, seeing there was no other hope of success, and sensible of the imminent ruin of the protestant religion, had been earnestly invited by men of all ranks, and particularly by many of the peers spiritual and temporal. In consequence of this invitation he had resolved to go over into England, and to provide proper and effectual remedies for such growing evils, in a parliament which should be lawfully chosen, and sit in full freedom according to the ancient custom and constitution of England. In particular, he promised that he would preserve the church and the established religion; that he would endeavour to unite all such as dissented from it by the best means that could be devised; that he would suffer all peaceable nonconformists to enjoy a freedom of religious worship. The inquiry into the legitimacy of the prince of Wales he referred to a par-

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liament, and on the behalf of his consent the princess Mary would willingly acquiesce in its decision.

Copies of this declaration were immediately dispersed in England by private hands, and they were not long in reaching the king. On reading it he exclaimed, "We shall now see what the church of England will do!" There was one passage which excited not only his indignation but his surprise; for invitations to the prince were said to come from many of the peers spiritual and temporal. Among the temporal peers he could not reasonably wonder to find some whom disappointed ambition, or, which was more painful, just provocation, had seduced from their allegiance. But he was slow to believe that the spiritual peers would engage in an attempt amounting in his estimation to an act of unnatural rebellion. He had relied on their professions of loyalty even after the injuries which they had received, and he thought to intimidate them into obedience, or to convince them of the perfidy of their conduct if they joined the enemy of their lawful sovereign.

Oct. 16.

A second time the king sent for the archbishop of Canterbury, and after some introductory conversation he came to the business which pressed heavily on his mind. He said that he had received undoubted intelligence of the design of the prince of Orange to invade England, and it would be much for his service if the bishops would meet together, and draw up a paper expressive of their abhorrence of the attempt. The archbishop said that most of the bishops had returned to their respective dioceses, and having asked permission

to speak his sentiments freely, he professed his disbelief of any such design. A. D.
1688.

A short time elapsed after this interview with Oct. 31.
the primate, when the king sent for the bishop of London. On the next day this prelate waited on Nov. 1.
the king, and he was informed that the declaration of the prince of Orange stated that the lords spiritual had joined the temporal lords in an invitation. The bishop answered somewhat equivocally; "I am confident that my brethren will answer in the negative as well as myself." The king next said that he thought it requisite for the bishops to make a public declaration of their innocence in this matter, and of their abhorrence of the attempt. The bishop having said that such a proposal required consideration; "Every one," observed the king, "is to answer for himself; but I will send for the archbishop of Canterbury, who shall call you all together*."

The king fulfilled his intention immediately; for on the same day the archbishop received his Nov. 1.
third summons to attend at Whitehall. On the following day he obeyed it, and found the bishops Nov. 2.
of London, Durham, Chester, and Saint David's already with the king. They were all called into the royal closet; and having adverted to the declaration of the prince of Orange, "There is a passage in it," he said to the bishops, "which concerns you," pointing to the place in which the spiritual peers were mentioned. He was pleased to add, that he did not believe the accusation, but that he thought it proper to acquaint them with

* Letter from the bishop of London to the archbishop of Canterbury.

CHAP. it. The archbishop having thanked the king for
XVI. his good opinion so frankly and graciously expressed, spoke to this effect; "I owe to your majesty a natural allegiance, having been born in this kingdom; I have confirmed this tie by taking the oaths of allegiance and supremacy, and can have at once but one king. Never, sir, as you well know; have I worshipped the rising sun, or made court to any but my king; to him I offer homage as often as he is pleased to receive it. As to this particular charge, and my personal concern in it, I aver it to be utterly false, having been so far from inviting the prince, that I never made any application to him." The bishop of London said that he had given his answer on the preceding day, and the three other bishops denied the charge*.

The king repeating his belief of their innocence, nevertheless required a denial of the charge under their own hands, "because," he said, "it will be for my service." And at length he plainly intimated that it would be useful to him if they would draw up a paper expressing their abhorrence of the prince's design. If they would meet and agree on such a paper, they might transmit it to him. No answer was given to this proposal, and the bishops were dismissed.

* The fact that the bishops joined in an invitation to the prince of Orange has been a matter of controversy. The bishop of London is the only prelate on whom the charge can fasten with probability. In the Appendix to the third volume of Echard's History of England will be found letters between Lloyd and Trelawney, two of the seven bishops, and a letter from bishop Trelawney to Echard.

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A meeting took place between those bishops who were firm in the protestant cause, and it was resolved that they should be unanimous in their answers; and having agreed on their future course, they sent an intimation to the king, and humbly requested an audience. At this last interview there Nov. 6. were present the archbishop of Canterbury, with the bishops of London, Peterborough, and Rochester. They found the bishop of Saint David's at the palace, but they required that he should not be present. Being admitted, the archbishop commenced thus: "Sir, we have done all which can be expected from us in this business; since you have declared your own conviction of our innocence, we regard not the censures of others." "My lords," the king replied, "I am abundantly satisfied with you all as to that matter; but where is the paper I desired you to draw up and bring to me?" "Sir," the archbishop said, "we have brought no paper, nor, with submission, do we think it necessary or proper for us to do so. Since your majesty is pleased to say that you think us guiltless, we despise what all the world besides shall say. Let others distrust as they will, we regard it not; we rely on the testimony of our own conscience and on your favourable opinion."

The king was not satisfied with this manner of declining his request, and repeated it with some impatience. Sancroft here ventured to remind the king how severely the bishops had been recently treated for meddling in affairs of state; that for presenting a petition of the most innocent matter, and in the most respectful manner, they had been subjected to a violent persecution; that even

CHAP. after their acquittal by a jury, they were exhibited
XVI. by the judges in their circuits as seditious libellers*; and that, not contented with maligning individuals, they had presumed to revile the whole church of England as a cruel and bloody church. Stung by so just a reproof, the king tauntingly said; "I believe that some of the lords temporal have been with you, and made you change your minds." The bishops protested that it had not been so, and they further said; "The lords temporal are equally concerned in the accusation with ourselves; we pray therefore that they may be called together and joined with us in consulting about the protestation which is required of us alone." The king persisting, the bishops continued: "We beseech your majesty that we may not be divided from the temporal peers, that at least a select number may be appointed to consult with us. The chief place for us to serve your majesty effectually is in a parliament; and when you shall be pleased to call one, to compose the distractions of these kingdoms, you will there find, that as we have always shewn our personal affections to your majesty, so the true interest of the church of England is inseparable from the true interest of the crown." The final reply of the bishops to the request of the king was this: "As bishops, we assist your majesty by our prayers; as peers, we entreat permission to serve you in conjunction with other peers, either by a speedy

* Baron R. attacked them in another manner, and endeavoured to expose them as ridiculous, alleging that they did not write true English, and that they should be chastised by Dr. Busby for false grammar.

calling together the whole parliament, or by assembling with us as many temporal peers as can be conveniently summoned." The wise advice was not followed, and the bishops were dismissed from the presence of the king, to see his "face no more."

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Disappointed in his confidence on the church, and perceiving that his only reliance must be placed on his army and his fleet, he used all imaginable diligence to strengthen his military forces. The militia were ordered to be in readiness at the shortest notice; and a proclamation was issued, commanding all horses and cattle to be removed from the sea-coast. These orders were not executed; for on the already memorable day, which preceded the last interview between the king and the bishops, the prince of Orange had landed without opposition on the coast of England. Nov. 5.

The prince was a Calvinist, but he promised Burnet that he would never set up as the standard of orthodoxy, "the Calvinistical notions of the decrees of God." He was also unfriendly to some of the ceremonies of the English church, such as the surplice, the cross in baptism, and genuflection at the altar; and for these, Burnet himself entertained no great affection. But when William, by a strange combination of happy circumstances, landed in safety on the western shores of England, he could not forbear to ask his theological counsellor "whether he would not now believe predestination." Burnet discreetly answered that he would never forget the providence of God so signally manifested on this occasion. The direction of the winds and seasons, which appeared

CHAP. to change as the affairs of the prince required, in-
 XVI. spired the prosaic mind of Burnet; and, though
 he did not address the prince in the lines of Clau-
 dian, yet they were suggested to himself:

O nimum dilecte Deo, cui militat æther,
 Et conjurati veniunt ad classica venti.

The day on which he landed was thought auspicious; it was already known in the annals of England, on account of a signal deliverance from the machinations of popish conspirators; it was now to be also remembered as the era of deliverance from the thralldom of a popish king.

An army of about fourteen thousand men, consisting of foreigners, had escaped the vigilance of the English fleet which was at sea with orders to intercept and destroy it; but so small a force, if it had escaped this mode of extermination, could have been of no use, unless the expedition of the prince had been approved by the great body of the English nation. The place of his debarkation was Torbay; but he hastened to Exeter, the metropolis of the west. Than this city, none had been more celebrated for its attachment to monarchy and to the church of England.

The western counties, dispirited by the dreadful fate which had awaited the followers of Monmouth, were slow in joining or approving an enterprise which promised a similar termination. The ecclesiastical, as well as the municipal authorities of Exeter, testified fear, if not aversion. Its bishop was Lamplugh, who, according to Wood, had "sat in the see many years with due commendation." As soon as the prince had landed,

he exhorted the gentry and clergy of his diocese in a public address to adhere to their lawful sovereign. On the approach of the prince to the city, he fled with all precipitation to London. Timidity, and distrust of William's success, impelled him to both those steps; for he entertained a strong disapprobation of the government of James, and had cordially approved the conduct of the petitioning bishops. James was abundantly satisfied with his present adherence, though that was accompanied by flight, and rewarded him with the so long vacant archbishopric of York.

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The sudden departure of the bishop, and also of the dean, encouraged Burnet to take possession of the cathedral on the following Sunday. In a long discourse, he endeavoured to convince the audience, that, in the whole progress of the undertaking, God had shewn himself to be on the side of the prince, and had chosen to begin the deliverance of England on the same day that it had been formerly devoted to ruin and destruction. The discourse produced an impression rather unpromising, and another expedient was tried on the following day, by requiring all the canons and choristers to assist at a solemn *Te Deum* for the happy voyage and safe landing of the prince. But neither had this expedient a happy effect, for the canons refused to appear; and although the choristers so far complied as to assist in the celebration of the service, yet no sooner had Burnet begun to read the declaration of the prince than they all withdrew. Burnet, notwithstanding the repulse, persevered; and when he came to its

CHAP. close, he exclaimed, "God save the prince of
XVI. Orange!" without any mention of the king.

While Burnet tried the temper of the church, Ferguson, who was also in the train of the prince, undertook a more hopeful office, that of bringing over the dissenters. But he experienced a more discouraging reception; for Burnet obtained peaceable possession of the cathedral, but Ferguson was under the necessity of entering a conventicle by force*.

While the prince remained at Exeter, the people joined him in great numbers; but knowing the affection of the king's army to his expedition, he did not train or even embody his followers. An engagement to adhere to the prince was drawn up by Burnet, containing a promise to pursue the ends of the declaration, and to revenge any attempt on the prince's person. It was signed by all who came to him; and having gained this point, he resolved to proceed, having placed the city and the county of Devon under the government of Scimour, the recorder of Exeter.

Leaving the prince on his march, it is time to follow the motions of the unhappy king. When the intelligence of William's successful enterprise was received in London, the city was filled with confusion. The populace assembled in a tumultuous manner, demolished the mass-houses, and burnt the materials in the streets. Petre, with the swarms of priests and Jesuits which had hovered round the court, disappeared; and those

* Ralph's Hist. of England.

who had faltered in their attachment to the protestant cause, absconded.

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At this crisis, it was still reported that the king had resolved against calling a parliament; and as this resolution filled with concern those who were anxious for an accommodation, a meeting of several spiritual and temporal lords took place at the deanery-house in Westminster. It consisted of the archbishop of Canterbury and the new archbishop of York, the bishops of St. Asaph, Ely, Rochester, Peterborough, and Oxford, among the spiritual lords. Of the temporal lords, there were the dukes of Norfolk, Grafton, and Ormond, the marquis of Halifax, the earls of Oxford, Dorset, Anglesea, Nottingham, Clare, Clarendon, Burlington and Rochester, the viscount Newport, and the barons Chandos, Paget, Carberry, and Ossulston. It was unanimously agreed to petition the king to call a parliament; but a clause being proposed that the peers who had already joined the prince of Orange might sit in it, the proposition was rejected by a considerable majority. The fate of this proposition determined the duke of Norfolk, the marquis of Halifax, the earls of Oxford and Nottingham, and baron Carberry, to secede.

The petition was presented on the day when the king had prepared to go to Salisbury, and thence to place himself at the head of his army. Before he left the capital, he summoned such of- Nov. 17.
ficers to attend him as were about the court; and to shew, however late, his respect for the religious opinions of his attendants, he took Chetwood, a protestant clergyman, in his train. Finding that

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the popish priests had already taken possession of the episcopal chapel at Salisbury, Chetwood had the courage to apply for leave to remove them, or to withdraw himself. The former alternative was granted, the priests were removed, and the chapel was resigned to the protestant. Though the king was not an occasional conformist, yet his officers crowded the chapel, and treated the chaplain with the most respectful attention. This treatment, it must be supposed, was not an agreeable sight to the king; and in order to free himself from so popular a man in a handsome manner, he translated Trelawney to the vacant see of Exeter, and nominated Chetwood to the bishopric of Bristol. But this intention never took effect, for the sovereignty of James approached its close*.

The stay which James made at Salisbury was short. The royal army, which had advanced towards the prince, gradually joined his standard; first lord Cornbury and colonel Langston, and secondly the duke of Grafton and lord Churchill, were among the seceders. The spirit of the king sunk, and he returned to London almost in despair.

Nov. 22.

Meanwhile the prince was pursuing his march. At Crewkerne, Finch, son of the earl of Winchelsea, and warden of All Souls' college in Oxford, was sent by some influential members of the university to invite him thither. He had designed to accept the invitation, but the perturbed state of the metropolis demanded his immediate presence. He therefore contented himself with re-

* Ralph's Hist. of England.

turning his thanks, and with transmitting the *association** to the university by the hands of the academical delegates.

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In the midst of the ferment by which London was agitated, an unknown person ventured to publish a declaration in the name of the prince. It was penned with great spirit, and produced a correspondent sensation. It set forth the desperate designs of the papists, and the extreme danger in which the nation was placed by their machinations. It required all good subjects to dispossess such papists as were in employment, to secure all garrisons and fortified places, and to see that the laws were duly executed. So universally was the declaration believed to be genuine, that it was carried to the lord mayor, with a requisition to put it in execution.

The consternation of the king was now so great, that he knew not what resolution to form, or whom to trust. He was forsaken by those who had made the warmest professions of fidelity, and as a consummation of his misery, his daughter the princess Anne withdrew herself from the palace under the protection of the bishop of London. She accompanied that prelate to Nottingham, where a small troop was embodied for her defence, of which the bishop too readily accepted the command. "Good God! even my own children have forsaken me!" was the agonizing exclamation of the unhappy James.

Driven to the utmost perplexity, and scarcely

* This was an agreement signed and entered into by many persons in the west of England to support the cause of the prince. See Burnet's Hist. of his Own Times.

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able to distinguish between his friends and foes, from those who were able and those who had no power to assist him, he was inclined to place his person in the hands of the injured bishops of the English church*. The bishops returned the only answer to this request which they could prudently give: that they could not receive him either privately or publicly, for in either case they would be responsible for his safety; they were not in a situation to secure him against the ambition of the prince of Orange, who was resolved to accomplish his designs, and who was surrounded with so many troops to support him†.

As his last resource, he sent for all the peers who remained of the protestants; and they advised him to call a meeting of the nobility with the privy counsellors. The opinion of the meeting was unanimous, that commissioners should be deputed to treat with the prince. However repugnant such a proposal might be to the feelings of James, yet the desperate state of his affairs compelled him to accede. The behaviour of the nobles to their sovereign in the hour of his distress was generous; it was frank, but not rude. One exception there was in the earl of Clarendon; for after having uttered the most insolent and cutting reflections, he deserted to the prince.

The marquis of Halifax, the earl of Nottingham, and lord Godolphin, were the commissioners on behalf of the king, and the renegade Clarendon, with the earls of Shrewsbury and Bristol,

* He mentioned the archbishop of Canterbury, or the bishop of Winchester. Granger's Biog. Hist. vol. iv.

† Ralph's History of England.

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were selected by the prince to conduct the negotiations. The propositions agreed on were to the following effect*: that a parliament should be forthwith called; that no person should continue in any public employment who was legally disqualified; that the fleet and all the fortified places in the kingdom should be placed under the command of protestants; that a certain portion of the revenue should be appropriated to the payment of the troops of the prince; that during the sitting of parliament both armies should remain at the distance of twenty miles from London, but that the prince might come there, attended by the same number of guards as the king kept about his person. These propositions appeared so reasonable to the commissioners for the king, that they transmitted them to London before their own return.

Though James waited to receive the propositions, and though he expressed his satisfaction at the conditions of the proposed settlement, as being more favourable than he could have expected; yet a previous determination had been formed to frustrate any negotiation by a flight. The queen and her infant were sent away to France, and James, having waited for the answer of the commissioners, resolved to follow. Accompanied by sir Edward Hales, and in the disguise of a servant, he went on board a fishing boat, and sailed down the Thames, having ordered the writs for the new parliament to be burned before his departure, and having thrown the great seal into the river during his voyage. He proceeded as far as Fever-

* The place of treaty was Hungerford in Berkshire.

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sham, when he was seized by an officer of the revenue*, ignorant of his rank, though acquainted with the person and the religion of his companion.

That after so pusillanimous a desertion of his people, he could be persuaded to return with a degree of alacrity, is not a greater instance of inconstancy, than the compassionate satisfaction with which his people greeted his return. When it was discovered that he had departed, the lord mayor had called a meeting of the peers and privy counsellors, which among others was attended by the archbishop of Canterbury. It was there agreed to send an invitation to the prince, desiring him to take the government into his own hands, till a parliament had completed a final settlement of the nation. The invitation was sent by the earl of Pembroke, viscount Weymouth, the bishop of Ely, and lord Culpepper.

When the prince was informed of the king's desertion, some of his friends urged a speedy advance to London, but the proposal was overruled. When he had reached Windsor, he was surprised by the intelligence of the king's capture, and of his return to his palace. He came back, not as a fugitive, nor as a prisoner, but accompanied by the earl of Feversham, the commander of his army. Reinstated in his palace, surrounded by his guards, and flattered by his priests, he began to assume
 Dec. 16. courage. But a council which he called on the evening of his return was attended only by the

* The name of the custom-house officer was Hunt. He died at Feversham so long after this event as July 24, 1752. Gentleman's Magazine for July, 1752, p. 337.

earls of Berkeley and Craven*; and sober reflection, if not wise counsel, convinced him that he must agree on some terms, and that if he continued to govern, he must govern under limitations to his authority. The earl of Feversham was therefore sent to Windsor, desiring the prince to come to the palace at St. James's, and to consult on the final settlement of the nation.

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Such a message from the king, after an invitation from the privy council to take on himself the government of the kingdom, could not be acceptable to the prince. It tended to disarrange his plans, and new counsels were necessary. The general opinion of the nobility who had repaired to Windsor was against the longer residence of the king at Whitehall. Neither the prince, nor the metropolis, nor the king himself could be safe, if the two courts continued so near each other. It was thought expedient to insist on the desertion of the king, and on the consequent invitation of the privy council, as sufficient grounds for a departure from the treaty agreed on by the commissioners, and the earl of Feversham, having brought a message without a passport, was put under arrest.

Widely different were the opinions on the proper way of disposing of the person of the king. It was proposed by some, that he should be kept a prisoner, at least till the government was settled; it was suggested by others, that he should not be kept in confinement within his own kingdom, but that he should be sent to Breda. The prince

* Ralph's History of England.

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declined to adopt either of these counsels. He could not consent to treat the father of his wife with personal disrespect, and he knew that any harsh measures towards him would turn the tide of popularity in favour of a sovereign in distress. Yet the propriety of removing the king from the capital was evident, and that he should be attended by a guard, not for the purpose of restraint, but of protection.

It was at last agreed that the marquis of Halifax, with the earls of Delamere and Shrewsbury, should in the first place order the English guards to be drawn off from the precincts of the court, and that the Dutch guards under the command of the count of Solms should take possession of the posts which the English guards had vacated. This order was obeyed without resistance, but not without dissatisfaction, and the arrangement was not completed till midnight. A message from the three peers was then delivered to the king by the earl of Middleton after he had retired to rest, stating that the urgency of public affairs required his immediate departure. They mentioned a palace at Ham as a desirable place for his retreat; but the king having named Rochester, the proposal

Dec. 18. was cheerfully accepted. On the following morning he left his palace and his capital for ever. A guard attended him which left him at full liberty, and treated him with due respect. He continued at Rochester a week, and those who were interested for his welfare exhorted him to remain. But his own inclinations prevailed over the importunities of his real friends; and he took the step which the prince had anticipated. He gave secret

orders that a vessel should be prepared, in which he embarked for France: on his table he left a paper, declaring, that though he was about to avail himself of foreign aid, to restore him to his throne, yet he would not use it to overthrow either the religion or the laws of his country.

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1688.

Dec. 23.

CHAPTER XVII.

Convention of former Members of Parliament.—Scotland declares in Favour of the Prince.—Vote of Thanks to the Clergy from the House of Commons.—Throne declared vacant.—Crown offered by both Houses of Parliament to William and Mary.—Bill of Rights.—Acts of Comprehension and Toleration.

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Dec. 18.

ON the same day on which James left the metropolis, the prince entered it. There was nothing imposing in the spectacle; enthusiasm was checked by the inclemency of the weather, and by the repulsive manners of William. The transactions of the preceding night were not calculated to conciliate the people of England. To awaken the king out of sleep, and to command him to quit his own palace, when he had agreed on terms of submission, were acts indicative of the ambitious views of him whom they had fancied their deliverer. Even the Dutch guards, however orderly their deportment, were offensive to the feelings of the English, for they implied a conquest rather than a deliverance.

All the authorities, ecclesiastical and civil, soon came to welcome the prince, and were generally received with courtesy, though not with cordiality.

Dec. 21.

On the day after his arrival some of the bishops waited on him, but the archbishop of Canterbury came not. The clergy of London followed, and the bishop of London appeared at the head of a number of dissenting ministers, whom he intro-

duced as men equally zealous with the clergy of the established church in their opposition to popery. They joined in their congratulation on the success of the late enterprise.

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After the complimentary addresses had been offered, the next step was to consult on the settlement of the government. Little did those know of the prince of Orange, who had imagined that he undertook his enterprise with any other view than to possess himself of the throne of England. Some lawyers suggested, that, after the example of Henry the Seventh, he should at once declare himself king; but so decisive a step would have been directly opposite to the tenor of his own declaration. The settlement of the nation had been there distinctly referred to a free parliament. It would have been a manifest violation of his word, if, instead of attending the deliberations of a parliament, he had prematurely seized the crown.

These reasons weighed with the prince, and he published an order* desiring all commoners who had served in any order of the last three parliaments, all the peers, and also the lord mayor and aldermen of London, with fifty of the common council, to meet him at St. James's palace. This assembly desired almost unanimously that the prince would take on himself the present administration of the government, but they not so unanimously agreed to a second proposition, that he should send missive letters instead of the customary writs for calling a parliament. The earl of Nottingham objected, that such a convention of the estates of parliament could not be legal unless

Dec. 21.

* Gazette, No. 2414.

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they were summoned by the king's writ. His objection was but feebly supported by the rest of the assembly, before it was known that the king had a second time left his kingdom; but as soon as this circumstance was known, even Nottingham himself rejoiced that his motion was not carried. The necessary letters were immediately issued to the sheriffs of the different counties.

Before the convention could possibly assemble, it was thought expedient to settle the English army and the affairs of Ireland. Those regiments which consisted of papists were disbanded, and a loan was raised by the voluntary contributions of the friends of the prince, both for paying the disbanded troops and the Dutch and English forces. The affairs of Ireland were in too disturbed a state to permit a speedy adjustment or present attention, and, as no time could be devoted to their settlement, a hasty treaty was entered into with Tyrconnel.

Scotland, as soon as the news of the king's desertion was received, declared in favour of the prince. The bishops had willingly signed an abhorrence of his enterprise, but their sentiments were not accordant with the great part of the Scottish nation. They hated popery, and even episcopacy, more than they loved the family of the Stuarts. When the prince came to London, the duke of Hamilton called a meeting of the Scottish nobility and quality then in the English metropolis, and there offered an address to the prince almost in the same terms in which the English address was conceived.

Whatever predilections the prince might have

entertained in favour of the presbyterian worship and discipline, yet on his arrival in England he practised conformity to its church. He attended the chapel in the palace on the Sunday after Christmas-day, when Burnet read the service, the bishop of St. Asaph preached, and the sacrament was administered by the bishop of London. The dissenters were received kindly, and promised protection, but not the removal of the present laws.

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Dec. 30.

1689.
Jan. 2.

The meeting of the convention approached, and the different parties were engaged in forming their schemes and strengthening their interest. The elections, it is truly said, were not controlled or influenced by the prince; he kept himself in a state of retirement and reserve, and lived like a stranger and a visitor. Three parties seemed to have been formed: the first was in favour of recalling James, and treating with him for such securities as might place their religion and laws beyond the invasion of an arbitrary sovereign; the second was in favour of a regency to be vested in the prince of Orange, since James by his bad administration had rendered himself unfit to be entrusted with regal power; the third was for deposing James, and placing the prince of Orange on the throne. But the party which at first declared for restoring James, finding its weakness, joined the party which was in favour of a regency. Such is the representation of a whig*; a tory† has described the state of parties with little variation, but with more nicety. He specifies in the house

* Burnet, Hist. of his Own Times, vol. ii. book 4.

† Sheffield, duke of Buckingham, in a fragment, being an account of the Revolution. Works, vol. ii.

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of lords three parties: that of the high church inclined to the two princesses; those we now call whigs, assured of good employments under the prince; and a third, very much the smallest, inclined to the unfortunate king, some out of conscience, but more out of despair of favour from the prince.

Jan. 22.

When the convention opened, the business of settling the government commenced in the house of commons, and with little opposition they sent up to the lords the following vote: "That the king, by having broken the original contract, and by having withdrawn himself out of the kingdom, had abdicated the government, and so the throne was become vacant."

Little else of moment in ecclesiastical history occurs in the separate deliberations of the commons, unless it be a unanimous vote of thanks to the clergy of the church of England, who had preached and written against popery; and had refused to read in their churches the king's declaration for toleration, in opposition to the pretended dispensing power; and had also withstood the illegal ecclesiastical commission*.

The reply† to this vote from the two archbishops was cautious, and they did not commit themselves by it to any course of proceeding in

* Ordered, That Mr. Leveson Gower and Mr. auditor Done do attend the two archbishops with the said resolve, to the end their graces may communicate the same to the clergy of their respective provinces. Paul Joddrel, O. D. E. Dies Ven. Imo, die Februi 1688-9.

† Ralph, in his History, erroneously says that Sancroft made no reply.

the pending deliberations. A verbal answer of thanks was given to the two members of the commons who waited on the two primates with the vote, and on the following day a written answer was communicated. They gave their assurances as far as their observation could reach, that the bishops and clergy of England were unmoveably fixed, in the protestant religion, and absolutely irreconcilable to both popery and arbitrary power. They humbly recommended to the house of commons the care of suppressing in the most effectual manner all popish doctrines and practices; in which recommendation they had the hearty concurrence of all the clergy.

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Feb. 2.

The attendance in the house of lords was extremely full, and the marquis of Halifax was chosen its speaker. Sixteen bishops appeared on the first day*, but the archbishop of Canterbury was not among the number. His absence has been justly censured, for a decisive part was reasonably expected from him; but he had relapsed into his constitutional inactivity.

On each clause of the vote of the commons there were long debates in the house of lords, and several conferences between the two houses. The first clause gave rise to an abstract question, "Whether there was an original contract between a king and his people, and whether there was such a contract between the king and people of England?" It was denied by some that there was any such thing

* "Præsentés: Arch. Ebor., Episc. London, Winton, Ely, Llandafph, Lyncolne, St. Asaph, Gloster, Rochester, Bath and Wells, Norwich, Peterborough, Bristol, Chichester, St. David's, Oxon." Journals of the lords.

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as an original contract, and inquired where it could be found? To this question it was answered, that a contract was implied in a legal government, though it might not be express or patent. Many traces existed of a contract between the kings and the people of England. By this contract, the kings were bound to defend their people, and to govern them according to law; and in return, the people were bound to obey and serve the king. The proof of a contract appeared in all the forms of a coronation which were still observed. The consent of the people was asked and given before the commencement of the solemnity, and it was accompanied by an oath on the part of the king, that he would govern with justice, and according to the institutions of the realm. It was true that a coronation was now considered rather as a solemn installation, than an act from which the king derived his authority, yet these forms pointed out in the clearest manner the origin and the nature of kingly power. Many instances were brought in support of this theory from the British and Saxon annals. It was urged that William the Conqueror was acknowledged on his giving a promise to keep the laws of Edward the Confessor. Edward the Second and Richard the Second were deposed for breaking these laws; and these depositions were never reversed, nor was the right of deposition ever renounced.

Whatever difference of opinion there might be on the question of the original contract, there was not much on the question, whether it had been violated by James. He had subverted the whole constitution: he had entered into an open treaty

with the court of Rome : he had shaken the whole settlement of Ireland, for he had reduced that island, and all the protestants in it, to a complete subjugation under the papists : he had assumed a dispensing power, which not only took away the force of those laws to which he applied it, but by the precedent which it set, and the consequences which followed, involved all laws whatsoever. By establishing an illegal court of ecclesiastical commission, he had invaded the liberties of the church, and subjected the clergy to his own arbitrary power : and to complete his misgovernment, he had left his people, and solicited the aid of a foreign power to restore him, rather than remain, and await the determination of a free parliament.

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But though it was undeniable that James had withdrawn himself from the kingdom, yet it was doubted whether this amounted to an abdication. An abdication is a formal and voluntary resignation, but James, so far from relinquishing his right, had declared his determination of maintaining it by force of arms. The substitution of the word *deserted* by the lords was therefore a proper correction, and not a hypercritical cavil.

Whether the crown was vacant, was fiercely contested ; and in a conference between the two houses on this point, Sprat, bishop of Rochester, spoke manfully in support of his old master.

But if the point was carried that the crown was vacant, or at least that there was not an actual king, the grand question arose how the vacancy or the defect was to be supplied. Against the doctrine that the throne was vacant, it was urged, that the king never dies, but that with the

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last breath of a dying king the regal authority passes to the next heir. In the oath of allegiance, the oath is not made to the king personally only, but to his heirs and successors.

At last it having been determined that the crown was vacant, how was the vacancy to be supplied? This must be done either by a regency or by appointing a new king. The arguments in favour of a regency were, that it would secure the honour of the church of England and the sacredness of the crown. It was said, that if a nation, even for a just cause, might depose its king, pretexts would never be wanting. The title to the crown must become precarious, and the people would be the judges of their sovereign. This must end in an elective monarchy, or in a republic. Both the history and also the laws of England might be adduced to shew that the person and the authority of a king were sacred. In the case of the nonage or the incapacity of a sovereign, the law had provided the remedy of a regency, and therefore if a prince were guilty of such misconduct as to render him unfit to hold the reins of government, the two houses of parliament might, by parity of reason, adopt the same expedient. It was not denied that there were some weighty objections against a regency, but it was impossible to propose any remedy which would not be liable to some objections. But the expedient would satisfy the larger and the most valuable part of the nation. Other expedients would gratify only the dissenters and infidels, who expected to see a subversion of the ecclesiastical establishment and of the monarchy. The earls

of Clarendon, Rochester, and Nottingham, led the party which favoured the regency, in which they were joined by all the episcopal bench, except Compton and Trelawney.

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On the other side, the marquis of Halifax was the leader. This party argued, that the proposition of a regent was more derogatory from the rights and dignity of monarchy than the proposition of a new king. It was in effect to set up two kings, or rather to divide the kingship; for the title was to continue in one, while the authority was to be vested in another. Not all the persons who espoused either of these two grand parties were actuated by the same motives, for some of the advocates for a regency had a secret wish of restoring James under this disguise. The hopes of the excluded king would have been encouraged, and he would have seized the first opportunity of reinstating himself in the authority of which he had been deprived. A triumphant and unconditional restoration would in a short time have been the result. Some who voted in favour of a new king found a favourable opportunity of weakening hereditary right, and the power of the crown.

The two parties, when they had occasion to divide, came nearly to an equality. The question, whether there was an original contract between the king and his people, was carried in the affirmative only by six*; and the question, whether to fill the throne by a regent or by a new king, was carried in favour of the latter only by two†.

* 53. 47.

† 51. 49.

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These preliminaries having been adjusted, it remained to dispose of the question, who should fill the vacant throne. It was barely suggested that an inquiry should be made into the legitimacy of the infant son of James, but the motion was rejected with indignation. The marquis of Halifax had been slow in espousing the interests of the prince of Orange, but he now endeavoured to atone for his past tardiness. He therefore moved, that the crown should be given to the prince, and should be settled on the two princesses, the daughters of James, after him. No one seconded this motion but lord Culpepper, a vicious and corrupt man; but a considerable number entertained and supported a counter proposition, that the princess of Orange might be placed upon the throne, and that it might be left to her to confer such a portion of power and dignity on the prince as she might approve in her discretion.

While these questions were agitated, the prince remained at the palace of St. James, in his usual state of seclusion and reserve, and access to him was not easy. But at length he broke through his reserve, and disclosed his wishes. He said, that he had come over, being invited, and that he had come to save the nation. He had been hitherto silent, having first brought together a free representative assembly. He had resolved not to say or do any thing which might prevent freedom of deliberation and debate, neither to court nor to intimidate any one. He had declined to communicate his thoughts; but the time was now come when a necessity of preserving

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silence no longer continued. He now distinctly explained himself to the marquis of Halifax and to the earls of Nottingham and Danby. If the convention came to a resolution that the government should be placed in the hands of a regent, he could say nothing against such a determination; but he thought it proper to say that he would not be the regent. So that they must look out for some other person to fill the office. Others he found were for placing the princess of Orange on the throne, and for permitting him to reign by her courtesy. No man could entertain a higher opinion of the princess than he had reason to do; but he protested against being made the gentleman usher of his own wife. He did not think it reasonable that he should be called on to take any share in the administration of public affairs, unless the crown was vested in himself, and that during the term of his natural life. Many cogent arguments he used, but he resorted to one which was rather extraordinary; he gravely endeavoured to persuade his friends, that he would leave them to settle the government without him, and that he would return to Holland with his army. For a long time he opposed the proposition that the princess should be joined with him in the sovereignty. But he soon found that by insisting on this he would disgust his best friends, and frustrate his own views.

The proposition which at length was carried, was for a conjunctive sovereignty to be vested in the prince and princess of Orange, and that, after the death of both without any issue by the princess, the crown should descend to the princess

CHAP. Anne. The disclosure of the prince's intentions
XVII. contributed not a little to bring the differences of the convention to a termination. But some points of form, though not of substance, were still to be arranged. It was at first contemplated by the republican party, that James should be deposed by a formal sentence, and, in consequence of this deposition, the crown should be bestowed on the prince and princess of Orange as the gift of the people. But this proposition was overruled, and another plan adopted, congenial to a limited monarchy.

The princess of Orange had been detained in Holland either by the severity of the winter, or by the manœuvres of the prince, and she did not arrive in England till the convention had completed the settlement of the kingdom. It had been reported that she was dissatisfied with the settlement; but this suspicion was removed by the manner in which she received the congratulations of the people. Had she appeared before this crisis, her captivating manners would have influenced the proceedings of the convention in her favour; for, although the sovereignty was conjunctive, the sole administration of the government rested in the prince.

Two preliminaries were settled by the convention, which were ratified when the convention was turned into a parliament; the one, concerning the oaths which were to be taken by the sovereigns of England at their coronation; the other, concerning the oaths of allegiance which the subjects were to take to their sovereigns. According to the amended form of the coronation oath*, the

* St. 1 William and Mary, cap. 6.

sovereign promised on the Gospels to govern according to law; to execute justice with mercy; and to maintain the laws of God, the true profession of the Gospel, and protestant reformed religion established by law; and, in order to the last, to preserve to the bishops and clergy of the realm, and to the churches committed to their charge, all such rights and privileges as by law appertain to them. The oaths of the subject were also amended; for, instead of the oaths of allegiance and supremacy, recognising the hereditary right of the monarch, a general promise of fidelity and allegiance to the king was substituted*.

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All the preliminary arrangements being completed, the two houses solemnly offered the crown Feb. 13. of England and the royal dignity to the prince and princess of Orange, under the title of WILLIAM and MARY. But, at the same time, the lords and commons, lawfully, freely, and fully representing all the estates of England, presented to their sovereigns the BILL OF RIGHTS. This was a new MAGNA CHARTA, or a solemn reestablishment of the liberties of the English people, and of the ancient laws and statutes of England. This was also ratified by parliament†, but here is the place for unfolding its principles and provisions.

It was necessary that a Declaration of Rights should be preceded by a recapitulation of grievances; and the bill enumerates the late infringements on the constitution. The end which the late king James the Second, by the advice of evil

* Stat. 1 William and Mary, c. 8.

† Stat. 1 William and Mary, 2 sess. c. 2.

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counsellors designed, was the extirpation of the protestant religion, and of the laws and liberties of the kingdom. The means by which he pursued this end were, by the assumption of a dispensing power over the laws; by the imprisonment of prelates for exercising the right of petition; the erection of an illegal court of ecclesiastical commission; levying money under pretence of prerogative; the maintenance of a standing army in time of peace; disarming protestants and illegally arming papists; by violating the freedom of elections; prosecutions in the court of king's bench for matters and causes cognizable only in parliament; by obtaining corrupt and unqualified persons to serve on juries; requiring excessive bail in criminal cases; imposing excessive fines and cruel punishments; and by granting fines and forfeitures before any conviction or judgment against the persons on whom they were levied.

These grievances were declared to be contrary to the known laws, and statutes, and freedom of the realm; wherefore the lords spiritual and temporal, assembled in a full and free representation of the nation, did in this case, according to the practice of their ancestors, vindicate and assert their ancient rights and liberties. For this purpose, they declared, 1. That the pretended power of suspending laws is illegal. 2. As is the dispensing with laws. 3. That the court of ecclesiastical commission is illegal. 4. The same as to levying money without the consent of parliament. 5. That it is the right of the subject to petition the king. 6. That to keep a standing army in the time of

peace, without the consent of parliament, is illegal. 7. That protestant subjects may have arms for their defence suitable to their condition. 8. That the election of members of parliament ought to be free. 9. That freedom of speech, and debates or proceedings in parliament, ought not be impeached or questioned in any court out of parliament. 10. That excessive bail ought not to be required. 11. That jurors ought to be duly impanelled, and returned. 12. That all grants and promises of fines or forfeitures before conviction are illegal. And, 13. That for redress of all grievances, and for amending, strengthening, and preserving the laws, parliaments ought to be held frequently.

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These were the conditions on which the crown was accepted by William and Mary; and the next step was to turn the convention into a parliament, according to the precedent set at the restoration. This was opposed by the tories, who moved that the convention should be dissolved, and a new parliament summoned; but the urgency of affairs in Ireland rendered delay hazardous. The whigs therefore in this instance prevailed, and a bill passed for the purpose; a day was fixed for the call of both houses, and for requiring the members to take the oaths.

Eight bishops, some of whom had taken part in the proceedings of the convention, Sancroft, archbishop of Canterbury, Turner of Ely, Lake of Chichester, Kenn of Bath and Wells, White of Peterborough, Thomas of Worcester, Lloyd of Norwich, and Frampton of Gloucester, refused the oaths. Crewe of Durham had for some months absconded, but he appeared in his place, to concur

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in the new settlement and to take the oaths. Barlow and Sprat, who had temporized throughout their whole lives, temporized now; but Cartwright, who had gone too far with James to recede, followed him in his abdication.

The seceding bishops, in order that their last act might be an act of conciliation, before they withdrew, moved that two bills might be brought in, one of toleration and the other of comprehension. The views of William with regard to the church were evinced by the first promotion which he made in it. Not many days after his acceptance of the crown, he conferred on Burnet the bishopric of Salisbury, and this prelate immediately commenced in the house of lords his political career.

In consequence of the refusal to take the oaths by so many bishops, a bill was brought into parliament, requiring all persons to take them within a prescribed time under severe penalties. The clergy who refused or neglected to take them were to incur the punishment of suspension for six months, and if at the expiration of that period they persisted in their refusal, deprivation of their benefices was to follow. This bill was promoted with great eagerness by those who were hostile to the church and to the new settlement, for it was supposed that a large proportion of the clergy would refuse to take the oaths. In the house of lords it was proposed, that, instead of a clause absolutely requiring the oaths to be taken, the king should have a discretionary power of tendering them, and then the refusal might be punished by deprivation. It was said that the clergy

solemnly owned their allegiance in the sight of God, and in the face of the people, and that no oaths could bind more solemnly than these religious engagements. It was also said, that in the many changes of government which had taken place, oaths had not proved so effectual a security as was imagined. On the other hand it was said that no man ought to hold an office who would not give a security to government for his allegiance, especially as the oath was now expressed in such general terms. The expedient proposed of leaving to the king a discretionary power of enforcing the oaths was an invidious discretion. Burnet says of himself that he supported the clause leaving a discretionary power to the king, but it was rejected. The day prescribed was at the distance of some months, that the clergy might have time to satisfy their conscientious scruples.

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The views and intentions of the king on this point were clearly explained in his speech to parliament on coming to give the royal assent to some bills. "I hope you are sensible there is a necessity of some law to settle the oaths to be taken by all persons to be admitted to such places. I recommend it to your care to make a speedy provision for it; and as I doubt not that you will sufficiently provide against all papists, so I hope you will leave room for the admission of all protestants who are able and willing to serve. This conjunction in my service will tend to the better uniting you among yourselves, and the strengthening you against your common enemies."

From this speech it appears that the king was disposed to take off the tests from the protestant

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dissenters, but not in the manner which a small party in the house of commons intended. A compromise was attempted, excusing the clergy from taking the oaths, on condition that the dissenters might be excused from receiving the sacrament according to the forms of the church of England. If the king really intended this, which is far from clear, he gave some reason for the opinion entertained of him that he was hostile to the church.

Accordingly, when a bill of comprehension was brought into the house of lords, this clause was proposed, but it was rejected by a considerable majority. It was supported by Burnet, but it was opposed by the other bishops. A protest was entered by some of the dissentient peers *, on the ground that the obligation to receive the sacrament is a test against papists rather than nonconformists, and that a stronger security ought not to be demanded from such as were admitted into civil or military offices than from members of parliament. To qualify the test it was next proposed, that it should be sufficient to receive the sacrament in any protestant congregation as well as in a church; but this proposition was rejected, though it occasioned another protest †, because the mysteries of religion are of divine original, and of a nature so wholly distinct from the secular affairs of public society, that they cannot be applied to those ends; and therefore the church, by

* The earls of Stamford and Chesterfield, lords Lovelace, Delamere, North and Grey, Wharton and Vaughan. Collection of Protests, pp. 62, 63.

† Lords Oxford, Lovelace, Wharton, Mordaunt, Montague, and Paget. Collect. of Protests, pp. 64, 65.

the law of the Gospel as well as common prudence, ought to take care not to offend either tender consciences within itself, or give offence to those without, by mixing sacred mysteries with secular interests.

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A third proposition was made in a committee of the house of lords to dispense with kneeling at the sacrament, and with the cross at baptism. That concerning kneeling occasioned a vehement debate, but when the question was put, the votes were equal, and thus the clause was negatived.

When the bill of comprehension was sent down to the house of commons it was ordered to lie on the table, but instead of proceeding in it they made an address to the king for summoning a convocation according to custom to attend on the session of parliament. The commons thought that the cross in baptism and kneeling at the sacrament were questions foreign to their business, and that they were matters of ecclesiastical cognizance.

The act of toleration* had an easy passage through both houses, though it was proposed that it should be only temporary, in order that there might be some restraint on the dissenters, and that by their peaceable demeanour they might deserve its reenactment, when the term had expired. But as there was a general inclination to pass the bill, an inclination which might not continue, it was resolved to make it not a temporary but a perpetual act. It repealed the most rigorous of the penal laws enacted by Elizabeth and James the First against protestant dissenters as well as

* Stat. 1 William and Mary, c. 16.

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popish recusants; but it left untouched the act of uniformity and the corporation and test acts. It remitted the penalties of the law to all protestant dissenters, provided they took the oaths of allegiance and supremacy, and subscribed the declaration against transubstantiation. There was a provision in favour of the quakers, who were permitted to make a solemn declaration instead of taking the oaths; but there was an exception from the benefit of the act of all who denied the doctrine of the Trinity as set forth in the Articles of the Church of England.

On this basis the superstructure of religious liberty has been raised. It comprehends two benefits which cannot be separated, a national church and a toleration. "An establishment without a toleration is unjust, a toleration without an establishment is unintelligible*." The law did not satisfy the expectations of such as thought that what religion and religious men wanted was equal and impartial religious liberty†, for then toleration must be erased from the vocabulary. But the law satisfied humble Christians and unprejudiced inquirers after truth. It restrained the civil magistrate from persecution, and left to the church its privileges. On such a basis toleration may be

* Balguy, Charge V.

† "Tolerantiam apud nos jam tandem lege stabilitam, te ante hæc audisse nullus dubito. Non ea forsitan latitudine, qua tu et tui similis veri, et sine ambitione vel invidia. Christiani optarent. Sed aliquid esse prodire tenus. His initiis jacta spero sunt libertatis et pacis fundamenta, quibus stabilienda olim erat Christi ecclesia." Locke to Limborch, Works, vol iv. p. 406.

safely extended to its utmost limits. The civil magistrate may tolerate all such opinions as are tolerable, or all such as do not disturb the peace of society. A. D.
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The act of toleration may be considered as an act of grace attendant on the coronation of the conjunctive sovereigns. This was performed with due solemnity, and with general, though not unmixed satisfaction. Sancroft declined to officiate, and the ceremony was performed by Compton bi-April 11. shop of London, the archbishop of York being also present. Burnet preached the sermon with more than usual animation, calling on his numerous auditory to join him in exclaiming, LONG LIVE KING WILLIAM AND QUEEN MARY!

THE END.

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